

IMPLEMENTATION OF REFUGEE PROTECTION IN TURKEY: A CASE OF
PROTECTION OFFICERS WORKING IN CSOS IN ANKARA

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ABSTRACT

IMPLEMENTATION OF REFUGEE PROTECTION IN TURKEY: A CASE OF PROTECTION OFFICERS WORKING IN CSOS IN ANKARA

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Turkey, as a country of asylum, holds more than 3.5 million of Syrians under temporary protection as well as half a million of non-Syrians under international protection. This huge population brings a great deal of discussion including the implementation of refugee protection in Turkey as well as the definition of protection in the context of forced migration. Therefore, this study aims to understand the term protection proposed by the United Nations High Commissioner of Refugees (UNHCR) in the context of forced migration and how it operates in Turkey via Civil Society Organizations. Research also intends to find the gap between ideal understanding of protection and its practical application to the refugees in Turkey through civil society institutions. To understand this gap, this thesis aims to find answers to questions as follows: (1) What is the definition of protection according to UNHCR and how it operates this definition in Turkey (2) How to understand the role of Protection Officers in this process? (3) What is the difference in between the ideal protection that is suggested by UNHCR and its implementation by civil society organizations and how this difference can be diminished?

In responding to these questions this research includes a contextualization about the concept of protection and its interpretation by UNHCR. A case study including interviews with 22 protection staff who a

re implementing protection from the civil society organizations in Turkey, which are operational and implementing partners of UNHCR, will be held in order to understand the implementation of the protection.

Keywords: Protection, Refugees in Turkey, UNHCR, Civil Society Organizations, Case Management

ÖZ

TÜRKİYE'DE MÜLTECİ KORUMASININ UYGULAMASI: ANKARA'DA STK'LARDA ÇALIŞAN KORUMA GÖREVLİLERİ ÖRNEĞİ

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Türkiye, göç alan bir ülke olarak geçici koruma statüsü altındaki 3,5 milyon Suriyeli ve yaklaşık 500.000 kişi kadar uluslararası koruma statüsü altında bulunan diğer milliyetlerden sığınmacı ve mülteciye ev sahipliği yapmaktadır. Bu büyük sığınmacı ve mülteci popülasyonu hem mülteci korumasının Türkiye nezdinde uygulanması konusunda, hem de zorunlu göç bağlamında koruma kavramının tanımı üzerine bir sürü tartışmayı da beraberinde getirmektedir. Bu nedenle bu çalışma Birleşmiş Milletler Mülteci Yüksek Komiserliği (BMMYK) tarafından sunulan koruma konseptini zorunlu göç nezdinde anlamayı ve bu kavramın Türkiye’de insani yardım ve göç alanında çalışmalar yürüten sivil toplum örgütleri tarafından nasıl uygulandığını incelemeyi amaçlamaktadır. Bu tez aynı zamanda BMMYK’nın tanımladığı ideal koruma kavramı ile bu kavramın Türkiye’de bulunan sivil toplum örgütleri tarafından pratikteki uygulanması arasındaki boşluğu bulmayı hedeflemektedir. Bu boşluğu anlamak için, çalışmada BMMYK’nın hazırladığı koruma el kitabına göre korumanın tanımı ve Türkiye’de bu tanımın nasıl uygulandığının yanı sıra, sivil toplum kuruluşlarında çalışan Koruma sorumlularının bu süreçteki rolünün nasıl anlaşıl

ası da amaçlanmaktadır.

Bu sorulara cevaben bu çalışma, koruma konseptinin tanımı ve BMMYK'nın koruma konseptini bağlamsallaştırması ve yorumlamasını içeren bir literatür araştırmasının yanı sıra, Türkiye'de göç alanında faaliyet gösteren ve aynı zamanda BMMYK'nın sahadaki uygulama ve operasyonel partnerleri olan sivil toplum kuruluşlarında koruma şemsiye altında çalışan 22 koruma sorumlusu, saha çalışanı ve sosyal çalışmacı ile koruma kavramının uygulanması üzerine bir saha araştırması içermektedir.

Anahtar Kelimeler: Koruma, Türkiye'deki Mülteciler, BMMYK, Sivil Toplum Kuruluşları, Vaka Yönetimi

to all who have suffered from patriarchy

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LIST OF ABBREVIATIONS

AFAD: Disaster and Emergency Management Presidency
CSOs: Civil Society Organizations
DGMM: Turkish Directorate General of Migration Management
DRC: Danish Refugee Council
EU: European Union
GBV: Gender Based Violence
GPC: Global Protection Cluster
IASC: Inter-Agency Standing Committee
ICRC: International Committee of Red Cross
IGOs: Inter-governmental Organizations
INGOs: International Non-Governmental Organizations
IOM: International Organization of Migration
IP: International Protection
M&E: Monitoring and Evaluation
NGOs: Non-Governmental Organizations
PDMM: Provincial Directorate of Migration Management
SGBV: Sexual and Gender Based Violence
SGDD-ASAM: Association for Solidarity with Asylum Seekers and Migrants
TP: Temporary Protection
UN: United Nations
UNHCR: United Nations High Commissioner of Refugees
UNICEF: United Nations Children's Fund
UNDP: United Nations Development Programme
UNFPA: United Nations Population Fund

CHAPTER 1

INTRODUCTION

Turkey is a country of asylum which hosts 3.6 million Syrians and more than 360.000 non-Syrian nationalities (UNHCR, 2019). Along with these increasing numbers, Turkey has become the world's most refugee hosting country with the outbreak of Syrian war. The mass influx of Syrian refugees to Turkey brings the question of how rights and services for the refugees will be maintained. Protection of refugees came into the agenda of Turkey with this question. Protection of refugees refers to the efforts directed at accomplishing individual rights, respect in compliance with the law and purpose of human rights. Therefore, the notion includes a comprehensive approach that is ensuring the rights and accessibility to the services of the people of concern. Besides this general definition, the concreteness of protection is left to the more concrete national law of the states. Under this national law, there is actually an example of how much the state cooperates with other actors of protection.

With the Refugee Crisis, not only state and state led institutions attempted to ensure the protection of the refugees but civil society organisations (CSOs), international non-governmental organisations (INGOs) and intergovernmental (IGOs) are also included in the protection mandate. UNHCR was actively involved in dealing with the refugee crisis along with the local, national and global corporations. Number of CSOs and INGOs that provides protection for refugees has increased so as the protection officer vacancies. Protection Officer can be defined as the mediator actors of protection that ensures the rights of the people of concern are protected, promoted and implemented.

As someone who has been working in the humanitarian sector both in Turkey and abroad for 5 years, it didn't take long for me to understand the importance of protection. The framework of protection, the actions for maintaining protection were

comprehensible but the question of ‘‘What is the definition of protection?’’ was always vague in my mind. The fact that all actors working with refugees are invested in protection made me think about this question. As someone who works in a CSO that provides protection to refugees and has the title of "protection officer", I decided to do research on the conceptualisation of protection. Additionally, seeing the involvement of UN bodies such as UNHCR in the crisis and their partnership with CSOs encouraged me to investigate the role of these actors in protection and their relations with CSOs through protection.

Therefore, this study aims to explore the standardized definition of protection by UNHCR, and it is implemented by CSOs within the boundaries of the state. In order to understand this, a research study has been conducted with the protection staff working in the CSOs and those who have worked in the CSOs before.

The Introduction Chapter of the thesis contains research questions, main aims of the research, main arguments of the study, significance of the study, brief introduction to methodology, and the structure of the thesis.

1.1. Research Questions

This study focuses on understanding the notion of Protection and Its procedures from the point of view of the Protection Officers who work for CSOs in Ankara. Therefore, this thesis seeks to answer the following questions.

- How to define the notion of protection according to the UNHCR?
- How to understand the notion of protection and its procedures in Turkey? In the case of protection officers in Ankara?
- How is this definition being applied in the case of Refugees in Ankara some of whose cases are followed by protection officers in CSOs?
- How to understand the role of Protection Officers in the process of protection?
- Are the shortcomings in the implementation of protection simply due to the blurred UNHCR definition or are they due to the deficiencies of other mechanisms?

- What is the difference between the ideal protection that is suggested by UNHCR and its implementation by UNHCR's partners / CSOs that does protection?

1.2. Aim of The Study

In regard to research questions, this study aims to explore the notion of protection that is offered by the United Nations High Commissioner of Refugees (UNHCR) and applied by Civil Society organisations (CSOs) in Turkey who are implementing or operational partners of UNHCR in Turkey, Ankara. In order to do so, this thesis aims to analyse the ideal form of protection suggested by UNHCR by inspecting the literature such as UNHCR Emergency Handbook. Following this analysis, application procedures of protection by UNHCR's partner organisations will be inspected via conducting interviews with the protection officers in order to understand the gap between the ideal form of protection and its practical implementation.

Another objective that this research attempts to identify is the role of protection officers in applying the protection form that UNHCR defines especially in terms of how to implement the elements of protection to refugees and which part do protection officers stuck whilst applying case management.

This research also evaluates the relation and ternate cooperation between Turkish government as state organisation, UNHCR as intergovernmental organisation and migration related civil society organisations as non-state actors. In this manner, protection-led corporations, mutual projects, and partnerships between three institutions will be examined.

At last, this study assesses to find a new policy suggestion in order to minimise the gap between protection suggested by UNHCR and its implementation by the CSOs that is mentioned in the first aim and research question.

1.3. Main Argument of The Study

This research mainly argues that there is a disparity between the definition of protection proposed by UNHCR and its operation led by civil society institutions in

Turkey. Set of protection definitions that UNHCR proposes is too broad and state oriented and does not fit the implementation in Turkey.

In the literature the definition of protection of refugees is either too blurred or divided into typologies (Stevens, 2013). Therefore, there is no comprehensive definition of protection of refugees. In parallel with this argument, this study indicates that this study will illuminate the definition of protection in Turkey's context.

It is also argued in this research that the standardized protection tools for the implementation of protection, such as the case management scheme, is not practical for the refugees in Turkey because of the legal and political limitations.

Lastly, It is argued that the shortcoming of the protection mechanisms such as public service providers in Turkey also leads limitation in the implementation protection to the refugees. These shortcomings of the protection mechanisms also leads to different types of implementation of protection across Turkey.

1.4. Significance of The Study

The subject of migration has been a very hot topic in the current atmosphere of social sciences, especially after the Refugee crisis started in 2011. Most studies focus on the topics such as migration management and integration of the migrants through the scope of international relations, economics, political science and sociology, even urban and regional planning. However, there are few resources concerning the social policy aspect of the migration. Moreover, protection and protection approaches have a very vague definition in the literature and most of the studies regarding protection were conducted by humanitarian organisations. I believe that putting protection in the center of my study will benefit the protection literature from an academic point of view.

This study argues protection and its implementation from the forced migration perspective which has given little importance throughout the literature. The most significant addition of this study to protection literature is the adoption of a social policy viewpoint on the topic of protection for the first time.

Moreover, as a protection officer who works in the migration field, I believe that finding the gap between the ideal type of protection and its practical definition as well as proposed policy suggestions will help me and my colleagues to operate better in the field.

1.5. Methodology

This study is based on conceptual and empirical research that aims to understand the concept of protection towards Refugees in Turkey and its progress within the context of Turkey.

Ankara was chosen for the fieldwork for several reasons; First, headquarters of civil society organisations which are implementing and operational partners of UNHCR, are located in Ankara, the capital city of Turkey. The choice of these civil society organizations hails from one main reason. These CSOs are the most active actors that can reach asylum seekers and migrants within operating in Turkey.

It should be mentioned that this research also has self-reflective features as I am working in the humanitarian field as a protection officer. Working in the Association for Solidarity with Asylum Seekers and Migrants (ASAM) first as an intern and later as a protection officer has led me to reflect an insight view in the migration field and gives me the opportunity of theorising my experience in the protection field. Herewith, working in ASAM led me to reach protection officers efficiently to conduct interviews. Interviews held online based on semi structured and open-ended questions which aim to understand the definition of protection, its process analysis and which part does protection congest during its process. Target group in this interview are protection staff working in the refugee protection as well as participants who used to work as a part of protection staff.

1.6. Structure of The Thesis

This thesis is composed of 6 chapters. These chapters are introduction, contextualisation, conceptualisation, methodology, case study and conclusion.

Following the introduction chapter, in the contextualisation chapter, the context regarding the Refugee Influxes from Syria to Turkey in the post-2011 and the responses of the state, Civil Society Organisations and UNHCR were discussed.

In the conceptualisation chapter, a literature review and different approaches regarding the protection are discussed. Then, UNHCR's definition of protection and its role with its partners in terms of protection were analysed. Moreover, protection tools of UNHCR and other UN agencies were discussed.

In the methodology chapter, first the methodology of the study was discussed. Then, research sampling was mentioned. Following the research design, interview design was discussed including the main features of the participants and their organisation. Lastly, analysis method and operationalization were discussed.

The fifth chapter is entitled "Implementation of Protection through CSOs in Turkey" and consists of a research study regarding the experiences of the participants on protection. In the first theme of the research study, protection and case management experiences of the participants were analysed. In the second theme of the chapter, problems, gaps, issues during the implementation of protection were discussed.

The last chapter is a conclusion which reviews the main arguments and discussions of the thesis. At last social policy recommendations were suggested in accordance with the analysis of the research study.

CHAPTER 2

THE CONTEXT: REFUGEE INFLUXES FROM SYRIA TO TURKEY IN THE POST-2011

Considering the modern history of the Republic of Turkey, it has embraced big migration flows. These flows also designate important political and policy making areas. Therefore, it is even possible to evaluate Turkey's socio-cultural, political and economic history through its migration flows. These migrant flows urged Turkey to become a transit country and a country of asylum, as well as to take considerate actions and constitute legal modifications regarding migration policies (İçduygu et al., 2014).

On the other hand, Turkey's migration management and the concept of the protection of migrants were never engaged until the 2011 Syrian mass refugee influx. Models of protection in Turkey as social work and protection frameworks have always been weak in Turkey even before the Refugee Crisis. While the protection of refugees in Turkey is always based on laws and regulations, elements such as improving the welfare conditions and facilitating access to services required by the social state have been left to CSOs. Impact of CSOs in order to provide these services under the authority of the state, are naturally limited.

With the Refugee Crisis, the existing protection challenges began to increase in Turkey. Moreover, humanitarian assistance has recently started to develop especially after the refugee crisis. After the crisis protection challenges that Turkey is already having were increased with the influx such as child marriages, sexual and gender-based violence, child labour, access to basic needs and services. This increase leads to a necessity for Turkey to take more comprehensive actions both for refugee

protection and contributing to their economic well-being (Çetinoğlu & Yılmaz, 2020, pp 12-13).

In this chapter, the context of Refugee Crisis in Turkey in the post 2011 will be explained including the background of the Turkey's migration flows and migration policies in response to the migratory flows. Effects of international agreements such as 1951 Geneva Convention and influence of the international bodies such as EU will be explained throughout the chapter. Furthermore, Syrian refugee influx and the evolution of the migration policies of Turkey and institutionalisation of migration in Turkey will be explained. Lastly, the role of UNHCR in Turkey and the complementary role of CSOs will be discussed within the chapter.

2.1. Background of Turkey's migration policies

According to İçduygu et. al (2014) the migration phenomenon has always internalised with Turkey's modernity project and nation-state building. This internalisation concerns on one hand; Turkey's historical, self-evolving dynamics, on the other hand; it concerns the political elites, decision-makers and practitioners that evolved this modernity project. In this context, international migration became one of the most important political weapons of Turkey within the modernity process and shaped Turkey's migration policies accordingly.

Between 1923 and 1960, Turkey's migration policy was affected by nation-building and national identity & belonging factors. As a part of the nation building process, Turkey formed a system from 1923 until the 1960's that provided privileges to migrants from "Turkish culture and nationality" which allows mostly Turkish originated people.

First legal regulation attempt for population regulation was Settlement law which was introduced in 1926. According to İçduygu, with this law, both immigrants, or refugees would settle on vacant agricultural lands join the production, and the population of the East based on a single ethnic group would be prevented and the population would be mixed ethnically (İçduygu et al., p. 119). Settlement Law was extended in 1934 as a regulation which adjusts the rules on migration and asylum in Turkey (Günay et al., 2017, p. 53). According to İçduygu, the third article of this law lays the foundation of the traditional Turkish immigration/migration policy and

reflects the approach that is currently being used. According to this article only "those who descended from the Turkish and Turkish culture" have the right to migrate to Turkey and settle here. This article is still applied in Turkey today, and continues to predominate the foreigners and immigration policy (İçduygu et al., p. 124).

Settlement Law is one of the important laws which has been effective in the "closed" Turkish foreign immigration policy implemented until today and was also taken into account during the signing of the 1951 Geneva Convention which regulates the post-war refugee rights of the United Nations Organization. Indeed, in 1961, Turkey made a reservation that it will accept the refugees "who suffered in the events before 1951 in Europe ". Thus, the restrictions imposed by the Settlement Law were maintained (İçduygu et al., p. 158).

It is important to follow the orientation of the development process of refugee law as a subfield of international migration to examine the recent mass migration to Turkey. One of the most important events regarding international migration was the Geneva Convention in 1951 which shaped migratory regulations in the international arena as well the migration policies of the states who signed the convention. Convention lays down the basic principles regarding who will be accepted as refugees and the rights of refugees. Convention also laid the foundation for the current refugee definition as it states (UN, 1951):

As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (UN, 1951)

Later in the 1967 New York Protocol, geographical and time limitations were removed by most of the states. The 1951 Geneva Convention Relating to the Status of Refugees and the 1967 Protocol are the results of important historical developments that enable it to have legal rights at the international level. Contract is

the most basic legal framework determining the definition of refugee, the rights and responsibilities of refugees.

Turkey signed the 1951 Geneva Convention and its 1967 Protocol with geographical and time limitations. According to geographical limitation, Turkey would only give refugee status to those who are coming from countries from the Council of Europe. Time limitation includes events arising before 1951. Turkey removed the time constraints with the Status of Refugees Protocol, signed in 1967. Although many countries lifted both time and geographical limitations with the 1967 protocol, Turkey's geographical restrictions which are still practiced only to accept refugees from Europe. According to Kirişçi, Turkey has been maintaining this policy due to the “national security” though this policy has been criticised by the international actors, particularly by UNHCR and EU (Kirişçi, 1996; Kirişçi, 2003).

According to İçduygu and Aksel (2013), the 80's were the transformation years of Turkey in terms of Migration because Turkey has faced migrants who are not Turkish originated or descended from Turkish culture. Moreover, economic shifts and globalisation lead people to move to more secure and industrial places where Turkey was a transit place towards those areas. Political events in Iran, Iraq and Afghanistan as well as the dissociation of Soviet Union drive people from these regions to migrate to Turkey for asylum and short-term employment. The most important part of this migratory movement is the fact that Turkey did not have a legal system that defines these immigrants other than illegal until 1994's Asylum Regulation (İçduygu et al., pp. 175-176). This also shows that Turkey did not have any comprehensive system that covers the

As İçduygu et al. (2014) states, the effort of the building and implementation of new policies regarding international migration and asylum can be seen in the 1990s and the following years. These include the 1994 Asylum Regulation, 2003 Law on Work Permits of Foreigners, 2005 National Action Plan on Asylum and Turkey in the field of migration and immigration and 2006 “New” Settlement Law which are important in terms of showing the formal perspectives towards change and points of resistance towards migration in Turkey. In other words, on one hand, Turkey has been challenging to limit migrants only with “Turks” within the concept of nation-state;

On the other hand, it tries to keep up with the new migration dynamics brought by globalisation.

The first intention of Turkey to adapt its migration and asylum regime to the changing circumstances in order to achieve practices that are valid in the international standards was the 1994 Asylum Regulation. Turkey as a state that signed the 1952 Geneva Convention with a geographical limitation which aims to grant refugee status to those who are coming from the member states of the Council of Europe, whilst, it faced intense migration movements from asylum seekers from Iran and Iraq. In a sense, this regulation facilitated to meet the demands by granting temporary asylum to asylum seekers who came outside of the Council of Europe without lifting the geographical limitation condition and by granting them the right to settle in third countries after obtaining refugee status. At the same time, Turkey ensured its geographical limitation by preventing the settling of refugees coming outside Europe (İçduygu et al. pp. 60-61).

Except for international conventions, many areas of protection such as admittance of the refugees, residence, work, deportation and resettlement were organized poorly in Turkish law until 1994 in terms of international legal norms. Moreover, another concern regarding the implementation of the 1994 Regulation is that applications for refugee status must be determined within a ten-day time limit. This law, which was revised by the authorities, received serious criticism from organizations and the EU. Due to the diffusivity and inadequacy of 1994 Regulation, 2006 regulation which is called “Residence Permit in Turkey to Apply Another Country for Refugee Status and The Mass Movements of Asylum-Seekers That Arrive at Our Borders and Potential Population Movements” was accepted by the Council of Ministers with the aim of completing the missing parts of the 1994 Regulation (Abacı Yıldız, 2019, p. 250).

1994 Regulation includes aspects such as limited religious freedom, medical checks, limited education opportunities, communication, accommodation and assistance. However, none of the aspects were defined as right. Undoubtedly, Turkey's immigration policy has been shaped by the laws, regulations, circulars, and international agreements. Notwithstanding, in the migration area shaped by legislative elements, there is not a sufficient state of efficiency for protection. What

makes protection effective is the changes in the legislation in this area and psychosocial support on asylum and asylum issues.

The 2003 Law on Work Permits of Foreigners was based on the fact that a large number of foreigners came to Turkey to work and thus, a need for a new regulation based on the working conditions of foreigners arised (İçduygu, 2007, p. 213). This Law aims to comply with the Geneva Convention on the work of refugees. Although the main aim of the regulation is to restrain informal work and to regulate the work conditions, in the implementation phase of the regulation, it has been observed that there is a tendency to limit the migration to the migration of professionals and highly qualified workers. In fact, it is difficult to say that this law aims to ensure that foreign workers, especially those who are employed in certain sectors and working under bad conditions, work as “legal” migrant workers (İçduygu et al., p. 62).

İçduygu states that Turkey's EU harmonization process transforms policies and practices regarding asylum, asylum seekers, refugees, migration and immigrants and guides Turkey to establish relatively more rights-based understanding (İçduygu et al., p.65). Therefore, it can be said that Turkey’s EU process has been changing its conventional conception of the national identity of state (İçduygu et al., p.177). In this context, three periods of change can be mentioned; The period before 1994 can be called the period of neglect of protection, the period between 1994-2001 as the transition to international norms and the period after 2001 as the Europeanization of changes.

In the post-1994 period, the Turkish authorities decided to take serious steps towards the harmonization of migration and asylum policies with international norms. These steps include new laws and regulations, implementation of complementary projects regarding Turkey's institutional and administrative structures related to asylum and migration as well as compliance with EU legislation and EU accession negotiations.

In this context, In response to the legislative obligation of the European Union and the member states, the Turkish Government signed the 2001 Accession Partnership Document and revised this document on May 19, 2003 and started to follow a national program for the adoption of the European Union legislation in this direction. Short-term and medium-term targets are determined in the Accession Partnership

Document. Accordingly, the emphasis is on continuing to strengthen the fight against illegal immigration in the short term as well as negotiating a readmission agreement with the European Commission. In the medium term, in order to prevent illegal immigration, the adoption and implementation of the EU *acquis* and its practices, harmonization in the field of asylum, initiation of efforts to lift the geographical restriction in the 1951 Geneva Convention, strengthening the asylum application and evaluation system, establishment of accommodation units for asylum seekers and refugees and social targets such as providing support were set (Demirhan & Aslan, 2015, p.41).

This is the result of these goals, at the end of 2004, Turkey's National Action Plan for the Adoption of the EU *Acquis* on Asylum and Migration Plan was accepted March 25, 2005. National Action Plan on Asylum and Migration which was implemented in 2006, implies the possibility of removal of the geographical limitation in the 1951 Geneva Convention by 2012 as well as it mentioned the constitution of a new law on Foreigners and Asylum seekers by 2012 (İçduygu et al., p. 159). This plan was also seen as the second main regulation on migration after the 1994 Regulations.

Together with the plan, terms like "subsidiary protection", "toleration of foreigners", and "humanitarian residence" have been included in Turkey's legislation. Furthermore, the principle of "non-refoulement" has gained an important place in the discussions. According to constitutional provisions, "All decisions and actions taken by the administration may apply to appeal." Accordingly, all foreigners in Turkey may apply to the court of appeal in the case of deportation because of the non-refoulement principle (İçduygu et al., p. 247). This plan provides a huge change in the asylum perspective of Turkey as "non-refoulement" principle is one of the fundamental principles of UNHCR's protection framework.

Readmission agreements as an instrument of 'control of immigration' with Turkey were also among the plans for immigration and asylum within the scope of the EU process. Accordingly, readmission negotiations began in 2003 between Turkey and the EU. However, negotiations were postponed until 2013 since it was based on piling all the burden on Turkey rather than burden sharing for refugees in need of international protection (İçduygu et al. p. 246). As "burden sharing" among the states through cooperation was mentioned many times in the Geneva Convention,

Readmission Agreements shows that the European Union is far from a refugee rights-based approach.

Considering institutional developments, in 2008, two offices were established under the name of Asylum-Immigration and Integrated Border Management in the Ministry of Interior in order to carry out the activities related to the targets determined by the action plans in the field of asylum-migration and integrated border management and to coordinate the preparations especially on the legal infrastructure. In the acquisition harmonization process, the EU had the most attention on the issue of border control and foreigners. In this context, EU has provided technical and financial support in the sense of controlling the border with Turkey to prevent illegal immigration to the European Union. These developments show the beginning of the institutionalisation of asylum in Turkey and cooperation among intergovernmental actors in migration. However, unfortunately, cooperation is not based on the protection of refugees but to control border trespassing.

By the time a series of draft laws and proposals, which can be considered as preparation for the 9th Harmonization Package for EU accession process, were discussed; The Settlement Law No. 5543 entered into force in 2006. The urgency of the draft has been criticized by associating it with the EU Progress Report (İnan, 2016, p.27). Moreover, the 4th article of the new Settlement Law indicates that those who are not of Turkish descent or Turkish culture; or those who are Turkish descent affiliated with Turkish culture that were deported and those who are not suitable to come to Turkey for security reasons will not be accepted as migrants.

Despite the goals of the National Action Plan adopted in 2003, a new Settlement Law was enacted in 2006. İçduygu et al. (2014) mentioned that the new settlement law was enacted again and moreover in the same "spirit" as the 1934s, when a new, comprehensive, modern and human rights-oriented foreign migration institution was expected to be established (İçduygu et al., p.161).

2.2. Refugee Crisis and The Emergence of Protection in Turkey

Since April 2011, both Syria and neighboring countries, notably Turkey, have been experiencing the effects of one of the worst refugee crises faced in world history. Syrians who came to Turkey in the first group on 29 April 2011 were followed by

millions. While the number of those who have international protection status were a total of 58.018 in 2011. In Turkey, this number has now exceeded 4 million. This movement led Turkey to become a country that is still home to the most refugees in the world since 2014 even though the geographical limitation of Geneva Convention as well as turned Turkey into one of the target countries of international irregular immigration. This mass migration flow led a gradual evolution on the migration and asylum policies of Turkey as well as the emergence of refugee protection. Therefore, in this part, the effect of the refugee crisis to the asylum and migration policies regarding the protection of asylum seekers and refugees in the post 2011 will be discussed.

2.2.1. Syrian refugees and Turkey's Changing Immigration Policy

As a result of the internal turmoil in Syria, entrance to Turkey has started with 252 Syrian citizens passing through the Hatay Cilvegözü border gate on 29 April 2011 and it continued intensely until the end of 2017 (Erdoğan, 2020, p.2). Turkey implemented “open door policy” to the Syrian refugees who are forced to leave their country and opened its border crossings accordingly.

The Turkish government responded to the emergency situation in the first year of the war by admitting under 100,000 Syrian refugees as “guests” and putting them in newly built refugee camps, providing key protection and humanitarian assistance along with registration, education, accommodation, food, medical care and security staff services, and authorizing only a few NGOs to provide relief. They were registered by the authorities of the Turkish Disaster and Emergency Management (AFAD) followed by their placement into the refugee camps controlled by the Turkish government in a joint effort with AFAD and the Turkish Red Crescent (Özden, 2013, p.6). However, as the Syrian crisis spread over time and the number of Syrians arriving increased day by day, additional accommodation centres were established in Kilis and Gaziantep provinces. By 19 April 2014, 22 accommodation centers were built in Adana, Adıyaman, Gaziantep, Hatay, Kahramanmaraş, Kilis, Malatya, Mardin, Osmaniye and Şanlıurfa provinces, which 16 of them are tent cities whilst 6 of which are container cities (AFAD, 2014, p. 18.).

Turkey initially accepted that the mass flow was temporary, assuming that Syrians will return to their countries once the civil war ends and shaped its policies in this direction without providing a permanent protection policy. Indeed, in the press and official statements Syrians were defined as "guest" which has no legal equivalent and this expression is frequently used. Moreover, camps controlled by AFAD and Kızılay in which Syrians live are also called "guest-camps," not "refugee camps." (Özden, 2013, pp.5). In addition to the expression "guest", different definitions such as "refugee", "asylum seeker" and "individuals under temporary protection" were witnessed. Another fact is Turkey signed the 1951 Geneva Convention with a geographical limitation meaning refugee status is given only for those who are coming from the Council Europe. This complexity of definitions withhold Syrians benefiting from the rights and the protection of being given the refugee status. Another reason why refugees are defined as guests is that the guests will return to their homes at the end of the day. Although the term guest may seem like a nice description at first, the hidden "going back home" it contains is actually violating the non-refoulement principle and maybe urges for forced return in the future.

Open door policy and the unpredictable increase in the refugee flow led to an increase of public spending on humanitarian aid for Syrian refugees as well as caused a need for a more comprehensive protection policy. Moreover, in the face of the confusion of concepts as each of them corresponds to a different status a need for clarifying the concepts in questions arose. In addition to this, with the increasing amount of asylum seeker flow towards Turkey led to the necessity of drafting a new law to address human rights with a respectful and holistic perspective and to fill in the missing parts of 1994 and 2006 Regulations. Therefore, Turkey included Syrians in the "temporary protection regime" from October 2011 in accordance with the 10th article of the 1994 Regulation within the scope of the Ministry of Interior. This regime, which complies with the minimum international standards, includes principles such as open-door policy, non-refoulement, no individual status determination, accommodation in the camps and other basic services (Özden, 2013, pp.5). In other words, Temporary protection is an emergency policy followed in the sudden mass population movements towards the borders. This policy is an interim solution until a permanent or a long-term solution to the particular population is found (Özdemir, 2017, p. 123).

That is to say, the necessity of drafting a new law to determine immigration policy and legislation, handle human rights with a respectful and holistic perspective as well as fill the legislative gaps of 2006 and 1994 regulations has emerged. Another point of view is that this law is structured considering Turkey being a target country in terms of mass influx and irregular migration (Ahmet & Topal, 2015, p. 10). For this reason, with the effect of the European Union accession process, efforts to formulate a single refugee law legislation were initiated and the Law on Foreigners and International Protection (LFIP) No.6458 was published in the Official Gazette in 2013.

The purpose of LFIP is in the first article clarified as regulation of foreigners' entry into Turkey, their stay in Turkey, exit from Turkey, the principles and procedures for the scope and implementation of the protection granted to foreigners who claimed protection from Turkey as well as the establishment, duties, powers and responsibilities of the Directorate General of Migration Management under the Ministry of Interior. Moreover, the concept of non-refoulement was also stressed in the legislation in line with the Geneva Convention (Ahmet & Topal, 2015, p. 11).

With the Law on Foreigners and International Protection, some of the new concepts which did not take place in the legislation before were introduced. The law brought together the concepts of "refugee", "conditional refugee", "secondary protection" as types of international protection in the Turkish legislation. During the drafting procedure of the law, the mass flow that has started in Syria caused the concept of "temporary protection" to be included in the legislation. The definitions of the LFIP regarding these statuses are as follows:

“REFUGEE: Due to the events taking place in European countries; Refugee status is given to the foreigner who is outside the country of his / her citizenship/residence because he / she is afraid of persecution for justifiable reasons and cannot benefit from the protection of this country or who do not want to benefit from this fear due to his / her race, religion, nationality, membership of a certain social group or political thoughts (FIPL-Art. 61).

The LFIP, structured by adopting the geographical restriction in the 1951 Convention, has embedded the concept of "conditional refugee" into the legislation as follows:

CONDITIONAL REFUGEE: Due to events occurring outside of European countries; Conditional Refugee status is given to the foreigner who is outside the country of his / her citizenship/residence because he / she is afraid of persecution for justifiable reasons and cannot benefit from the protection of this country or who do not want to benefit from this fear due to his / her race, religion, nationality, membership of a certain social group or political thoughts. Conditional refugees are allowed to stay in Turkey until they resettled in a third country (FIPL-Art. 62).

In Turkey, status of “refugee”, that is to say people who are considered within the scope of "refugee" due to the events that took place in Europe, is given to only 28 people as of 2019 (Soylu, 2019). According to M. Erdoğan (2020), there is no doubt that what really matters is the situation of the displaced groups in Turkey caused by events occurring outside Europe. At this point, the status of “conditional refugee” is the statute that international protection applicants, whose number is up to hundreds of thousands, will receive if their applications are accepted (Erdoğan, 2020, p. 6). Among these applications, "Secondary Protection" status is regulated with article 63 of the law for those who are not in the scope of conditional refugee status but still require protection.

SECONDARY PROTECTION: “Secondary protection status is given to the person who is not qualified as a refugee or conditional refugee, but if returned to their country of origin or country of residence; a) Will be sentenced to death or the death penalty will be executed, b) Will be subjected to torture, inhuman or degrading punishment or treatment, c) Will face a serious threat due to indiscriminate acts of violence, in situations of international or country-wide armed conflict, and who is unable to benefit from the protection of his or her country of residence or does not wish to benefit due to the threat in question (FIPL-Art. 63).

Here, a regulation has been made to ensure the safety of life and protection from torture for those who are not included in the definition of refugee or conditional refugee in the light of the principles of international human rights law, based on the principle of “non-refoulement” (Erdoğan, 2020, p. 6).

It is seen that the Law on Foreigners and International Protection acts as "temporary protection" in terms of mass migration movements. Due to the mass migration movements in the region, the "temporary protection" status, which is still valid for Syrians, is of great importance. The regulation on temporary protection is made as follows in the law:

TEMPORARY PROTECTION:(1) Temporary protection may be provided to foreigners who have been forced to leave their country, cannot return to the country they departed, and who come or cross Turkish borders en masse to seek emergency and temporary protection.

2) Admission of these people to Turkey, their stay in Turkey, their rights and obligations, the procedures to be carried out when they exit from Turkey, the measures to be taken against mass movements and the cooperation and coordination between national and international institutions and organizations, the determination of the duties and authorities of the institutions and organizations to be assigned in the center and the provinces are regulated by a regulation to be issued by the President(YUKK-Art. 91).

Volkan Yılmaz states that “temporary protection status offers a limited scope of social rights. It is not the restricted set of social entitlements it entails but the fact that it creates ambiguity with respect to long-term integration. “(Yılmaz, 2018, pp. 6). As Yılmaz emphasizes, long term integration, as one of the durable solutions that UNHCR suggests for its people of concern, cannot be ensured for Syrians which expose them to future threats and protection needs.

Until April 11, 2013, all operations regarding foreigners were carried out under 1994 and 2006 regulations within the scope of the Police Headquarters under the Ministry of Interior structure and the Presidency of the Border / Immigration Office. Within the scope of Law on Foreigners and International Protection, Directorate General of Migration Management was established under the Ministry of Interior Directorate in order to implement policies and strategies in the field of immigration, to control foreigners’ entry to Turkey and their stay in Turkey, to coordinate the relevant institutions and organization and to carry out work and procedures related to international protection, temporary protection and protection of victims of human trafficking. Within the scope of the law, the relevant work carried out by the General Directorate of Security was taken over by Directorate General of Migration Management on 11 April 2014. This is one of the biggest institutionalizations regarding the asylum system in Turkey since the developments in 2008.

The organization of the Directorate General of Migration Management consist of central, provincial and its abroad branches which is an important step in terms of migration policies, as it will ensure that the procedures and procedures to be applied to foreigners are carried out from a single source (Abacı Yıldız, 2019, pp. 256-257).

As it was stated in the Article 91 of the Law on Foreigners and International Protection that the content of "Temporary Protection" will be determined by a regulation by the Council of Ministers, the relevant Temporary Protection Regulation was published in the Official Gazette on October 22, 2014, and entered into force.

The regulation brings the obligation of “biometric” registration which requires address registration and fingerprints in order to eliminate the problems experienced and to be experienced in registration. With the system, foreigners are entitled to access basic services and other social assistance only if they are in the provinces where they are registered. These foreigners can only work in sectors, business lines and geographical areas determined by the President and apply to the Ministry of Family, Labor and Social Services to obtain this permission.

In the regulation, the "non-refoulement" is clearly expressed with an interpretation in favor of refugees as it was also stated in the "temporary protection regime" in the 10th article of the 1994 Regulation (Temporary Protection Regulation, 2014, Art.6). According to the regulation, no person will be sent to a place where they will be subjected to torture, inhuman or degrading punishment or treatment, or where their life or freedom will be threatened due to their race, religion, nationality, membership of a certain social group or political thoughts.

The legal status of Syrians is formally stated in the Temporary Protection Regulation, which entered into force on October 22, 2014. According to the temporary article 1 of the Regulation,

As a result of the events taking place in the Syrian Arab Republic, citizens of the Syrian Arab Republic and stateless persons and refugees who have come to or cross our borders from the Syrian Arab Republic both individually or en masse for the purpose of temporary protection, they will be taken under “temporary protection” even though they have applied for individual application. As long as they are subjected to temporary protection, individual international protection applications will not be processed (Temporary Protection Regulation, 2014, Art.1).

According to data updated by DGMM, the number of Syrians under the temporary protection regime in Turkey continues to grow every day from border crossings to Syrian babies born in Turkey. According to M. Erdoğan, this creates a shock effect

for Turkish state and society considering Turkey has only had 58.000 refugees back in 2011.

Based on the LFIP and Temporary Protection Regulation, rights and services were granted to IP and TP applicants. TP and IP applicants have access to education, work permits, social services, and social assistance under the LFIP and TP. Whilst Syrian refugees under the temporary protection can access to health services without any limitation, general health insurance of international protection applicants and status holders over the age of 18, who have completed one year from the date of registration, has been terminated with the regulation in 2019 (DGMM, 2019).

Education is provided for all children and adolescents and it is guaranteed under the LFIP and TP as well as Child Protection Law. However, due to low income of the families and language barrier, school enrollment and attendance rates are not successful (Yılmaz, 2019, p. 6). This shows the fact that the right is given to the person or child does not show that it removes the obstacles in its implementation.

Employment and providing right to work for Syrians under Temporary protection status was regulated based on Article 29 of the "Temporary Protection Regulation" in the Foreigners and International Protection Law and it entered into force as "Regulation on Work Permits of Foreigners" on January 15, 2016.

The conditions and regulations regarding work permit are; be at least under 6 months of temporary protected status in Turkey; working only at the place of registration, except for those with exceptional permit; Quota of not being able to work more than 10% of the number of citizens working in a workplace and paying wages at or above the minimum wage.

Regulation brings some limitations and exceptions for the people who are under temporary protected status such as, an exception for those who will work in seasonal agriculture and animal husbandry was regulated within the law as they are exempt from applying work permits. On the other hand, people who have temporary protection status or international protection status as they cannot apply for jobs and professions that are only permitted by Turkish citizens by law. Work permits applications are made by the employer who will employ foreigners under temporary

protection or international protection. Another limitation is that the refugees can only apply for a work permit and work within the province of residence.

Access to the labour market of people who have applied for international protection was regulated in Article 89 of the LFIP. Just as people who are under temporary protection (TP), International Protection (IP) applicants and conditional refugees are able to apply for work permits after their application to international protection. Likewise, conditions and limitations of IP applicants, conditional refugees and people who have secondary protection are the same as TP applicants except for an exception of working in seasonal agriculture and animal husbandry.

2.2.2. EU-Turkey Deal and Its Effects on Protection

In the post-2015, Europe's main effort was to stop the influx of refugees and compromise with financial support by making broad and extensive cooperation agreements with the countries in the Mediterranean basin, mainly in Turkey where most of the refugees are. The most important step regarding this policy has been the "EU-Turkey Deal" which was signed on March 18, 2016 (Erdoğan, 2019, p. 18). This agreement has brought many discussions within its compliance with EU and international law as well as human rights. In addition to the legal discussions, there were arguments regarding the form of solution the agreement has put forward, its promises and success.

On closer inspection, EU conditionality policy has found widespread use in the signing of readmission agreements with countries; Market accession facilities, financial assistance and visa facilitation or liberalization arrangements have a large place in the negotiations. In other words, the main goal of the agreement for the EU is to transfer the burden of irregular immigration to the signatory country and lead signatory countries to undertake the problems arising from the influx (Tekin, 2018, p. 665). These attempts also show the externalisation of the EU's protection responsibilities. With the agreement, Turkey was also accepted as a "safe third country ". In this context, the EU separated the people who entered Europe irregularly as Syrians and non-Syrians. "One-on-one" rule has been adapted and according to this rule, every Syrians who passes Europe from Turkey irregularly will be sent back to Turkey in exchange for the resettlement of one Syrian in Turkey that

is picked in accordance with the UN Fragility Criteria (Tekin, 2018, p. 667). The rule of the agreement regarding non-Syrians is as follows: All other non-Syrian asylum seekers who cross from Turkey to Greek islands will be returned to Turkey in the framework of the readmission agreement (Erdoğan, 2019, p. 18).

It is widespread that EU Readmission Agreements cause serious human rights violations in practice, mainly due to the danger of enabling chain returns. The deal was criticised many times due to the fact that the form of return introduced by the agreement is in conflict with the basic regulations on the right of asylum and non-refoulement, which is the backbone of international immigration law. Moreover, the distinction between asylum-seeker / immigrant is ambiguous in the text of the agreement as it has often been stated that serious human rights violations may occur during the implementation phase due to these and similar uncertainties (Tekin, 2018, p. 668).

Financial assistance program for Syrian refugees in Turkey started as an outcome of the EU-Turkey Deal on March 16, 2016. After the agreement, the EU and its member states agreed on providing €6 billion to Turkey in total which €1 billion will be covered from the EU budget and the other €2 billion will be financed by EU member states. Assistance was provided in two tranches as €3 billion for 2016-2017 and €3 billion for 2018-2019 (EU, 2020).

This financial programme is one of the biggest financial assistance programs in EU history as it is funded by the EU budget as well as the 28 member states of the EU under the “Facility for Refugees in Turkey” (EC, 2016). Implementing partners of the financial assistance programme are the United Nations World Food Program (WFP), the Turkish Red Crescent and the Ministry of Family Labor and Social Services (Yılmaz, 2019, p. 9).

According to EU facilities for Refugees in Turkey, humanitarian concerns, assistance, schooling, housing, facilities for municipalities and socio-economic support were primary areas of focus. This financial assistance program aims to meet basic needs of foreigners under international protection and temporary protection who are living outside of the camps such as food, shelter, clothing. Assistance is given through Kızılaykart as 120 TL per person per month after evaluation of the

needs analysis of each household. The assistance also includes many cases such as identification of foreigners under international protection or temporary protection, registration procedures, opening bank accounts, card printing, distribution of cards, transferring money to accounts, technical support about account use and family review. The importance of the cash assistance is the fact that the beneficiary is able to spend this assistance according to their needs (Çetinoğlu & Yılmaz, 2020, p. 8).

2.2.3. UNHCR's operations in Turkey

In order for UNHCR to be active within a particular state, it is necessary to sign treaties with countries to do the operation. Turkey ratified the United Nations Charter in 1945 and as a sub-organ of the UN, UNHCR started its activities in Turkey in 1960. In the process until 2016, UNHCR continued its activities despite the absence of a host country agreement with Turkey. During this period, UNHCR continued its activities to the extent permitted by the Turkish authorities. These activities involved advising the Turkish State; conducting training and seminar work; preparing pilot projects.

Before 2018, UNHCR conducted the registration, Refugee Status Determination (RSD) and resettlement (RST) Process of the international protection applicants since the 1980s. Even though Turkey and UNHCR did not sign the host country agreement, the RSD and RST procedures were maintained. The host country agreement between Turkey and UNHCR was signed on 1 September 2016 due to the fact that Turkey became the country with the highest number of refugees in the world and more effective RSD and RST procedures were needed (Ekşi, 2019, p. 355). UNHCR will consult and cooperate with the Turkish State on the preparation and review of projects for refugees and other people of concern with the host country agreement.

Although in the FIPL, Provincial Directorate of Migration Management (PDMM) and Directorate General of Migration Management (DGMM) were responsible for the registration of the international protection, UNHCR and DGMM had a “Joint Registration” regulation. In the joint registration procedure, the Ministry of Interior and UNHCR cooperated and shared responsibilities. Foreigners who sought asylum in UNHCR and came from outside Europe, for example, from Iran and Iraq, were

resettled in safe third countries if their protection needs were met with the UNHCR criteria (Ekşi, 2019, p. 363). Throughout this time, UNHCR has contributed to the strengthening of the institutional structure and administrative capacity in Turkey, particularly participated in the preparation processes of the LFIP and the regulations regarding the LFIP; organized seminars, workshops, roundtables, conferences, panels; tried to develop cooperation between civil society and state institutions (Ekşi, 2019, p. 363)

UNHCR's implementing partner Association for Solidarity with Asylum Seekers and Migrants (SGDD-ASAM) conducted registration on behalf of UNHCR and DGMM and conveyed the applicants to the satellite cities. UNHCR and SGDD-ASAM phased out from the joint registration on 10 September 2018 (aida, 2018).

2.2.4. Roles of CSOs in Protection in Turkey

As a consequence of the conflicting regulations and unimplemented law enforcements, CSOs took an essential part in the migration field. The contribution of CSOs to refugees in Turkey is diverse as the CSOs in Turkey are extremely fragmented and complicated. The CSOs sector in Turkey continues to function in the present trend in reaction to the country's vast Refugee presence, while operating in a way that indicates the transition in both its competence and connections with other Organisations and the government (Mackreath & Sağnıç, 2017, p. 15).

In the FIPL, it is stated that cooperation with other international organizations, especially UNHCR and IOM, as well as non-governmental organizations is envisaged. According to Article 92 of the FIPL, the Ministry of Interior may cooperate with UNHCR, IOM, other international organizations and non-governmental organizations in matters related to international protection processes (FIPL, 2013). This recognition opens a way for CSOs for communication and cooperation with public service providers and governmental institutions.

Considering the lack of integration policies, The Turkish government did not officially acknowledge that the state had become a country of immigration, with an increasing number of asylum seekers and migrants settling in. In order to fill the rights violations brought about by the lack of integration policies and gaps in the law,

non-governmental organizations assumed a complementary role. This gap regarding the provision of rights and services created the environment for the rapid growth of existing CSOs and the emergence of new CSOs through new projects funded by intergovernmental organisations, INGOs, UN bodies and development agencies, such as EU, UNHCR, UNICEF, UNFPA, IOM, Danish Refugee Council (DRC). Internationally funded projects also increased the communication between CSOs and these actors. This communication led not only to determining the boundaries of the projects and funding the projects, but also to the activities of CSOs to increase their competence in the field through training, providing protection materials and seminars.

Paker stated that the approaches of CSOs shifted from rights-based approach to the service-based approach due to the oppressive political environment, lack of freedom of expression and removal of the many academics and civil society activists (Paker, 2019, p. 11). Moreover the increasing number of refugees put pressure on both state service providers and civil society organisations.

CSOs working with refugees may vary in terms of focus groups, budget areas, and focus areas they provide services and counselling. In terms of focus groups stated in the 2018 Report of Aida (aida, 2018), there are several CSOs working with refugees with specific needs such as LGBTI+ community, people living with HIV, women at risk, children etc.

Paker indicates that there are four focus areas of the CSOs as emergency relief, protection, services and co-existence (Paker, 2019, p. 10). While there are CSOs that focus on only one focal activity, there are also CSOs that carry out all of these activities. Emergency relief was more predominant during the early years of the crisis and it was based on the distribution of in-kind aid materials and relief materials. Protection activity is preeminently the most provided action among the CSOs since the beginning of the crisis. Protection based activities are case based and they include a wide range of services from the registration of the applicant to the community based protection activities. It includes provision of services such as legal counselling, psycho-social support, being intermediary in accessing public services, providing information and assistance (Paker, 2010,p. 12).

In terms of co-existence activities, CSOs have shown more tendency to shift their activities to provide community-based protection among refugees. From awareness raising activities regarding the problems within the society to establishing communities among refugees, community-based protection activities became the primarily focus areas of CSOs.

In terms of CSOs relations with the state in the context of refugees, Paker states that when the state is able to organize its own capacity, civil society becomes discharged from the activities as it can be seen in the registration procedure provided by SGDD-ASAM under UNHCR mandate. Therefore, CSOs try to improve their strategies in order to cooperate with state and public institutions such as training and information sessions, organising meetings with public actors (Paker, 2019, p. 19).

CHAPTER 3

CONCEPTUALISATION OF PROTECTION

In the previous chapter, contextualisation of Refugee Crisis in Turkey was explained through the previous migration flows to Turkey and how state institutions handled the migratory flows as well as the evolution of migration management after the Syrian Refugee Crisis in 2011 and the role of UNHCR and CSOs in the migration management. This chapter focuses on the notion of protection and its theoretical debates including main protection approaches in the literature. Given that one of the research question of this research is how to define the notion of protection according to the UNHCR, this chapter also explores the UNHCR's definition of protection and its framework along with operational and implementing partnerships and its protection tools.

3.1. Theoretical debates on Protection

3.1.1. Debates on the definition of Protection

The definition of protection in the migration literature has many different understandings and sub-definitions. Lexical meaning of protection defined as actions of keeping something or someone intact and secure from harm. One of the most common definition of protection in migration field is presented in IOM's Migration Glossary which is taken from Inter-Agency Standing Committee's (IASC) definition:

All activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. Human Rights law, International Humanitarian Law, Refugee law) (Redpath-Cross & Perruchoud, 2011, p. 159 as cited in Inter-Agency Standing Committee, 1999, p. 4).

This final definition of protection had a long way since the establishment of the international refugee regime, yet still indefinite in many ways. Even though

protection underlies the basis of the international refugee regime, the term still has a vague understanding. One of the main reasons for these vague and abundant definitions is the fact that each state has a different legal framework in terms of protecting its own citizens and aliens. As there hasn't been an explicit understanding of protection, its variations and sub-definitions have emerged throughout the migratory events. Thus, this chapter focuses on different forms of protection and how the international refugee law is formed in terms of protecting refugees. Chapter also embraces the humanitarian understanding of protection and how it is implemented by the CSOs based on UNHCR's ideal definitions and universal protection tools.

The debates of protection in academic literature were introduced in 1989 in Guy Goodwin's "Language of Protection" work. Goodwin states that the reason why the definition of protection is unclear and hazy is because of the characterization of the refugee definition because international law substitutes its own practices to the people whose country of origin is unable to protect themselves. Therefore, "absence of protection" is the main feature of being a refugee (Goodwin-Gill, 1989, p. 6).

Dalal Stevens also emphasises that the term "protection" needs to have a clearer definition. Because of this complexity and number of variations, Stevens claims that the best way to understand protection is to examine its legal progress which it is established on (Stevens, 2013, p. 235). Stevens agrees with the fact that the Refugee Convention does not provide a definite definition about refugee protection. However, she also states that Refugee Convention is a preamble example of the main components of protection (Stevens, 2013, p. 236). As Stevens mentions, the Convention relating to the Status of Refugees which was adopted on 28 July 1951 suggests no clear-cut explanation regarding protection. Article 1 A. (2) provides an understanding of refugee protection is also provides the definition of refugee as follows:

As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. In the case of a person who has more than one nationality, the term "the

country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.(UNHCR, 1951)

Convention also extends its sphere of protection by deferring its scope to the new agreements and pre-existing agreements made by inter alias such as 1933 Convention Relating to the International Status of Refugees and the 1938 Convention Concerning the Status of Refugees Coming from Germany (Stevens, 2013, p. 236). D. Stevens states that this definition refers to a "diplomatic protection" which is implemented by the law and its signatory states (Stevens, 2016, p. 265). Ramcharan emphasizes that the Refugee Convention attempts to establish a framework that would carry out protection rather than define it (Ramcharan, 1989, p. 2).

Stevens also makes a historical correlation and attributes today's international refugee law to Britain's common law instruments, particularly Calvin's case which is a series of English legal decisions formed in 1608 and later on became the basis of British citizenship. In this series of decisions, several attributions regarding protection were defined by the court judges. Especially in the 7th Coke Report contributed by Judge Edward Coke, who is an English judge and politician that defends rule of law and contributed the promotion of British constitution, it can be interpret as king is in responsible for the protection and maintaining of its subjects (1608, as cited in Stevens, 2013). According to the report, subjects are divided into three parts: citizens, denizens and aliens. More importantly, it is mentioned in the 5b section of the 7th Coke Report that aliens are under the protection of the king as long as they stay within the borders of England. Later on, Edward Coke clarifies this obligation of protection as safety from harm, maltreatment and assurance of goods and property (1809, as cited in Steven, 2013). Stevens believes that the idea of protection in the Coke's reports has a Lockean element of social contract which later promoted "right to protection" (Stevens, 2013, p. 237). Stevens correlates Coke's reports to the principle of "Responsibility to Protect" which adapted in 2005 UN General Assembly Meeting as every state has a responsibility to protect their own people from violence, war, genocide, ethnic cleansing and crimes against humanity (GA Resolution, 2008).

Stevens' both references about protection give priority to home states who are primarily in charge of the safety of their own citizens which she calls territorial or domestic protection. Later, when the home state fails to protect their own populations, it gives other states responsibility to the people within its own territory whose own states are unable to provide the protection they need. In other words, the host state fulfils the protection duties of the home state (Stevens, 2013, p. 235). In other words, Asylum seekers and refugees are provided a safe place where they will not be persecuted and will not be sent back to a country where their lives or freedom might be jeopardized. This assurance of "non-refoulement" is fundamental to the protection system which is also stated in the Article 33 (1) of the 1951 Geneva convention.

No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his [or her] life or freedom would be threatened on account of his [or her] race, religion, nationality, membership of a particular social group or political opinion. (UNHCR, 1951)

This turns domestic protection of the state to its citizens to protection by the international community or international protection. Similar to Steeves, Guy Goodwin-Gill also defines protection as a substitute of the internal protection that refugees' country of origin is unable to grant or implement.

With reference to Stevens, another definition has been provided by A. Fortin. First, he offers internal protection or national protection as the safeguard maintained by the state within its boundaries. In other words, "international protection" is a protection provided by the host states to the people whose own state is unable to protect them from persecution. Fortin also suggests "diplomatic protection" as the origin of the form of protection that UNHCR mentioned in the Convention Relating to the Status of Refugees. By diplomatic protection, Fortin means protection led by states to the nationals of other states who are unable to enjoy the protection of their state of origin or cannot return to the protection provided by the consular (A. Fortin, 2001, p. 551).

Yet, Stevens states that, there is an abundance of protection types which leads to another uncertainty and despite all interpretations, definition of protection is still ambiguous because of the diverse actors providing protection as well as incompetence in specifying the main obligation lies behind protection due to the

different legal frameworks of the states. Because of the variety of the actors and different state laws and practices, refugees who are applying for asylum to the host states encounter different implementations of protection. Hathaway also indicates that there is no comprehensive and common regulation that regulates the minimum standards of securing citizens' life or providing basic rights and needs. Thus, this abundance of a universal arrangement hinders making such clear-cut definitions about protection (Hathaway, 1991, p. 105).

Regarding international protection, Ramcharan stated in his book "The Concept and Present Status of the International Protection of Human Rights Forty Years after the Universal Declaration" that protection is merely based on international law and Geneva Convention sets the framework of protection instead of describing the notion of protection (Ramcharan, 1989, pp.2). He divided protection into 4 aspects. Firstly, he divides international protection into direct and indirect involvement. By direct involvement, Ramcharan means direct involvement of protection activities on behalf of the people who need protection by states or international entities such as UNHCR. By indirect protection, he emphasizes creation of an international environment which includes policy making, providing training and information advisory services in the field of human rights. Secondly, he states that protection embodies all people and communities. And thirdly, he states that protection is not only in the responsibilities of the states, but it involves the responsibility of several actors (Ramcharan, 1989, as cited in Stevens, 2013).

The discussion of protection up to this point is legal based and puts more emphasis on state actors and international law and ignores the human aspect of protection. Handbooks and reports of international humanitarian agencies also discussed the definition and types of protection along with the agreement of the term's ambiguity. A. Bonwick in his ANLAP for Humanitarian Agencies stated that protection is based on the principle of humanity and humanitarian action. He indicates that protection encompasses more than just physical help; it also includes the complete protection of human beings including person's safety, dignity, and human integrity (Bonwick, 2005, p. 30). Bonwick also stresses the protection as a rights-based approach based on the legal obligations of the states in protecting people based on a respect for international law and binding treaties (Bonwick, 2005, p. 33).

In IOM's handbook of Protection and Assistance (2018) defines protection types with overlapping responsibilities. IOM defined "human rights protection" within the understanding of respecting human rights, protecting individuals and communities from harmful actions and fulfilling steps to ensure human rights based on the 1948 Universal Declaration of Human Rights (IOM, 2018, p. 19). Handbook also defines "humanitarian protection" as with the attribution of ICSC's definition as the protection afforded to those affected by an armed conflict, natural disaster, or other crisis (IOM, 2018, p. 22).

The importance of humanitarian actions comes from its reference to the humanitarian actors. Not only state but humanitarian organisations such as UNHCR, INGOs and CSOs plays a part in the humanitarian protection in order to guarantee that international law is respected, protected and fulfilled without discrimination both the rights of crisis-affected individuals and the duties of those holding the responsibility of human rights (IOM, 2018, p. 22).

As it is stated before, in accordance with international law, the state has a duty, through respecting, safeguarding, and exercising its rights and by developing and permitting means to properly execute these rights, to protect persons under its authority or its citizens outside of its territory. In contrast, Slim and Bonwick highlight the empowering aspect of protection and state that protection is not only the duty of the state, international and humanitarian agencies but also the duty of people who need protection and demanding and organising protection for themselves. Therefore, protection is not a basic provision of services for the people but also supporting them until they are able to protect themselves (Bonwick, 2005, p. 32). This perspective is also the basis of the community-based perspective that is aimed to be applied in protection today.

Slim and Bonwick also emphasises the protection mandates among states, mandated humanitarian agencies and non-mandated agencies. As required by international human rights law, national authorities must be primarily responsible for guaranteeing the protection of those impacted by war. However, further legal duties under international humanitarian law might be enforced. Certain agencies/offices such as ICRC, UNHCR, UNICEF, and OHCHR also have missions to safeguard particular

categories or groups of individuals. These agencies are called “protection mandates” (Slim & Bonwick, 2005, p. 15).

Protection mandates are also responsible for the protection of the individuals and groups within the responsibility of the states. For instance, the United Nations High Commissioner of Refugees (UNHCR) is responsible for the refugee protection by cooperating with states. The International Committee of the Red Cross’s (ICRC) mandate covers more than refugees including civilians, detainees, prisoners of war and wounded. The Office of the High Commissioner for Human Rights’ (OHCHR) role is more preventative as its mandates cover the promotion of human rights and ensuring that human rights are not violated. International Organisation for Migration’s (IOM) mandate covers victims of human trafficking and voluntary repatriations (Slim & Bonwick, 2005, p. 38).

As the third humanitarian protection actor, Slim and Bonwick refer to non-mandated agencies, in this case, NGOs and CSOs. NGOs and CSOs also provide protection for those who are impacted by persecution, armed conflict or disaster. Non-mandated organisations permitted to operate within the authority of state and national laws and respecting human rights (Slim & Bonwick, 2005, p. 38).

Actors who provided or enabled protection have been given so far. In terms of actors receiving protection, OHCHR stated that:

- Protection under International Humanitarian Law (IHL), which applies to situations of armed conflict as addressed principally in the four 1949 Geneva Conventions and their Additional Protocols of 1977.
- Protection under International Refugee Law (IRL), which applies to persons who meet the refugee definition under international, regional, or domestic laws, or under the mandate of the United Nations High Commissioner for Refugees (UNHCR).
- Protection under International Human Rights Law (IHRL), which applies to all persons at all times, and is grounded in the Universal Declaration of Human Rights (UDHR) and the core international human rights instruments. (OHCHR, n.d)

Considering the complexity of definitions and actors involved in the protection, Stevens emphasises that this fragmentation of protection indicates that the

'protection' notion was never a simple concept, even in the initial phases of developing an international refugee law system (Stevens, 2013, p. 242).

3.1.2. Global Protection Cluster and Mainstreaming Approach

Definition of protection not only exists in the academic literature but also takes part in the approaches set by humanitarian organisations. In 1996, 50 agencies including NGOs, and INGOs formed a protection workshop led by the International Committee of the Red Cross ICRC and their working groups discussions and workshops continued regularly. Main aims of the workshops are finding a common definition of protection as well as setting a guide to protection work and humanitarian action (IASC, 2002, p. 11). As a result, two types of definition of protection were defined regarding its purpose and its activity.

Protection in terms of its purpose defined as:

The concept of protection encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e., human rights, humanitarian and refugee law). Human rights and humanitarian actors shall conduct these activities impartially and not on the basis of race, national or ethnic origin, language, gender, etc. (IASC, 2002, p. 11)

Protection in terms of its activity defined as:

Any activity –consistent with the above-mentioned purpose– aimed at creating an environment conducive to respect for human beings, preventing and/or alleviating the immediate effects of a specific pattern of abuse, and restoring dignified conditions of life through reparation, restitution and rehabilitation. (IASC, 2002, p. 11)

From these two definitions, protection was divided into three actions as responsive, remedial and environmental building. Responsive action refers to an action carried out in the course of a pattern of abuse that is forming or has been formed and which attempts to avoid, stop and/or mitigate their recurrence. Responsive actions include pressuring relevant authorities regarding the abuse, providing immediate assistance to the people of concern and making sure that the actions are taken within the respect for judicial rights (ICRC, 2001, p. 23). Remedial action refers to an action in order to rebuild the integrity of the people of concern caused by maltreatment or abuse. For instance, advocating for the people of concern's rights and cooperation with civil

society organisations. Environment building refers to building an environment with respect to individuals’ social, cultural, economic, and legal rights (IASC, 2002, p. 11). These actions formed a figure which is called “Protection egg”. As it can be seen in Figure 1, responsive, remedial and environment building actions are not independent from each other but intertwined and can proceed at the same time. However, no activity inherently excludes another. Furthermore, the Protection egg offers the possibility that each activity can feed the other. Nevertheless, the emphasis on a single sort of activity may limit the other.

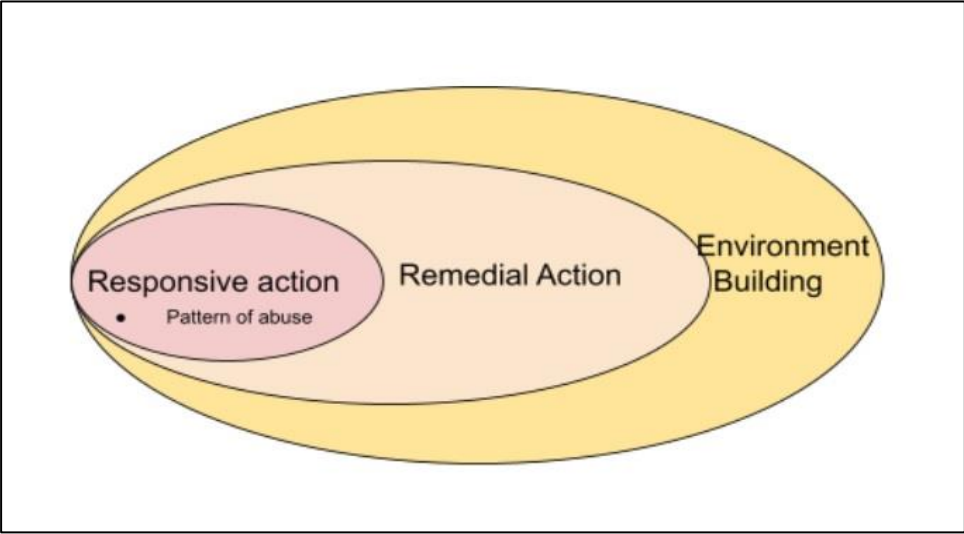


Figure 1: Protection Egg

Another protection approach in order to understand protection better is protection mainstreaming. In 2005, the Global Protection Cluster (GPC) was established, authorised by the Inter-Agency Standing Committee, and led by UNHCR. Global Protection Cluster includes protection mandates such as UNHCR, UNICEF, IOM, OHCHR, UNDP, UNFPA, NRC and, DRC as well as its partner organisations, INGOs and CSOs. The main aim of the Global Protection Cluster is to maintain a common protection approach, building capacity, advocating for people of concern, and ensuring the implementation of the protection standards are applied properly.

Protection Mainstreaming is developed by Global Protection Cluster with the aim of achieving basic minimum technical standards of humanitarian assistance. Protection mainstreaming, or in other phrasing “safe programming”, is an obligatory procedure for humanitarian actors which combines the principles of protection in order to ensure safety, dignity, safe environment and meaningful access to rights for the

people of concern. By ensuring protection mainstreaming for all humanitarian actors, a common ground is maintained for accountability (ICRC, 2011).

The four fundamental elements of protection mainstreaming are as follows:

1 – Prioritize safety & dignity and avoid causing harm: Prevent and minimize as much as possible any unintended negative effects of your intervention which can increase people’s vulnerability to both physical and psychosocial risks.

2 – Meaningful Access: Arrange for people’s access to assistance and services – in proportion to need and without any barriers (e.g. discrimination). Pay special attention to individuals and groups who may be particularly vulnerable or have difficulty accessing assistance and services.

3 – Accountability: Set-up appropriate mechanisms through which affected populations can measure the adequacy of interventions, and address concerns and complaints.

4 – Participation and empowerment: Support the development of self-protection capacities and assist people to claim their rights, including – not exclusively – the rights to shelter, food, water and sanitation, health, and education. (GPC, (n.d.))

Another approach is “Targeted actions” which is divided into two subgroups as “integrated protection” and “stand alone protection”. These are two programming approaches which are aimed to reduce the risks of the people of concern however their process of response is different. Whilst stand-alone protection only consists of the protection sector, integrated protection combines several humanitarian sectors in order to reduce the risks (European Commission, 2016, p. 14).

Capacity building is also referred to as another approach in order to reduce the risks of the people of concern. Capacity building is simply strengthening the capacity of humanitarian actors and humanitarian systems in order to have a better understanding of risks and resolving them by cooperating with the humanitarian actors at the local, national and global level. (European Commission, 2016, p. 16).

Lastly, the Results-Based Protection approach was developed by Inter-Action in 2012 which focuses on problems solving in the contexts that are complicated and unpredictable. It aims for results which in this case, are reduction of the risks of the people of concern (InterAction, 2015, p. 3).

3.1.3. Community Based Approach

In addition to all these definitions and approaches, new forms of approaches aimed to be implemented by many CSOs and protection mandates. These new approaches focus more on the empowerment of individual and complementary roles to the CSOs.

Community based protection refers to a strategy that is based on listening to the community's needs and concerns, respecting their culture and practices, understanding their concerns within the community, enhancing their capacities within the community as well as individually so that they can form their own response to the risks. Community based protection puts people of concern at the centre and with the intention of their participation and consultation (UNHCR, 2015, pp. 1-2).

Community based protection cannot be maintained immediately as it is a long-term procedure based on building trust within the community. It also requires different types of representation in terms of age, gender, ethnicity in terms of diversity. Marginalized groups must be included as each group within the community has different protection concerns (UNHCR, 2015, p. 3).

Community based protection also puts emphasis on the importance of the external partners. Communities might not notice or be aware of the ongoing threats that external partners notice or give priority to another risk. In this case, external partners should balance the risks through information and communication. Staff also need to be skilled and well-trained in protection and identifying risks (UNHCR, 2015, p. 3).

UNHCR attributes community-based protection to the protection egg approach and emphasize that if communities' information, capacity and involvement were strengthened, especially in the third level of protection egg, which is environment building, adopting a community-based approach provides communities to prevent the upcoming risks or lead them to make quicker response to the encountered risks (UNHCR, 2013, p. 7).

ICRC highlights 5 activities within the community-based protection framework in order to respond to the protection needs of the people of concern (Cotroneo &

Pawlak, 2016). First activity is risk education/awareness which involves informing the individuals and communities regarding the risks and how to eliminate them as well as awareness raising activities. Second activity is self-protection which is supporting the people of concern in order to eliminate risks during their flight. Third activity is assistance to reduce exposure to risk which means providing cash or non-cash assistance to the people of concern in order to reduce upcoming risks. Fourth activity is the engagement with those who are the source of threats which is mediating the communities who are armed and source of threat by mediating and liaising. Fifth activity is community self-organisation and social cohesion which is aiming to build trustful engagement among the communities to reduce the risks (Cotroneo & Pawlak, 2016, pp. 38-39).

ICRC officers Pawlak and Cotroneo state that Community based protection is time consuming and needs skilled staff to engage with the communities. They also mentioned that community-based protection activities cannot be maintained during the times of emergencies (Cotroneo & Pawlak, 2016, p. 39). UNHCR states that “Community based protection is a process, not a project.” as it is a methodology for a long term and sustainable protection (UNHCR, 2013, p. 9).

3.2. Protection defined by UNHCR and its Mandate

UNHCR, as a humanitarian protection mandate established in 1950 within the light of The 1951 Refugee Convention and its 1967 Protocol. Although UNHCR's initial task was to ensure the safety of European refugees and returnees after the Second World War, its operations and mandated changed and it is continue to exist to this day, Loescher, Betts and Milner explain the purposes of the establishment of UNHCR as protection of refugees and finding solutions to their flights based on 1951 Convention and its 1976 Protocol and Statute of UNHCR (Loescher & Betts & Milner, 2008, p. 98). UNHCR also defines its main purposes in the UNHCR Handbook for Emergencies (UNHCR, 2007, p. 17) as ensuring every person of concern who seeks for asylum is able to reach international protection and to find a durable solution for its people of concern. UNHCR also defines its people of concern as refugees, asylum seekers, stateless persons and internally displaced persons and returnees.

Unfortunately, the definition of protection by UNHCR also has various and ambiguous meanings and it evolves over time. In paragraph 8 of the Statute of UNHCR, several references to the protection and the role of UNHCR have been made as follows:

High Commissioner would provide for the protection of refugees falling under the competence of his office by undertaking a number of activities, such as promoting the conclusion and ratification of international conventions for the protection of refugees; promoting through special agreements with Governments the execution of any measures calculated to improve the situation of refugees; and promoting the admission of refugees. (Statute of UNHCR, as cited in Stevens, 2015)

Stevens states that in the Statute, the true nature of protection is not expressed; instead, the Statute aims to help build a framework to promote protection (Stevens, 2013, p. 239). She states that although there has always been a reference to protection in UNHCR's documents and reports, there is no knowledge of the definition or the type of protection within them.

However, international protection was framed in Notes on International Protection, the Executive Committee of the High Commissioner's Programme's session held in 1994. In the notes, it was stated that international protection begins with the admission of the asylum seekers and refugees within the respect of human rights and non-refoulement principle and only ends with the durable solution. It requires the promotion of international refugee law and guarantees that host states are respecting the fundamental rights and welfare of the people of concern. It also explains the main aim of international protection as to find decent solutions for refugees and asylum seekers. The content of the aim includes aiming to eliminate the threats in their country of origin by cooperation and promoting international law. And if the safe return of the people is not possible, international protection must provide a durable solution for the people of concern (UNHCR, 1994, p. 8).

Stevens (2013) also mentioned that UNHCR used the term "effective protection" between late 90s until early 2000s. Although effective protection puts a question of "Why do we need to put "effective" in protection?", Erika Feller, former deputy director of UNHCR, stated that "effective protection was not a term of art, though unfortunately it was becoming one." and she draw a framework of protection as follows (Feller, 1994, as cited in Stevens, 2013, p. 248):

For UNHCR the concept is clear. Effective protection is quality protection. In our experience it should only be regarded as sufficient if, at a minimum, the following is reliably guaranteed:

- there is no likelihood of persecution, of refoulement or of torture or other cruel and degrading treatment;
- there is no other real risk to the life of the person[s] concerned;
- there is a genuine prospect of an accessible durable solution in or from the asylum country, within a reasonable timeframe;
- pending a durable solution, stay is permitted under conditions which protect against
- arbitrary expulsion and deprivation of liberty and which provide for adequate and dignified means of subsistence;
- the unity and integrity of the family is ensured; and
- the specific protection needs of the affected persons, including those deriving from age and gender, are able to be identified and respected.

This statement shows that UNHCR's core elements of protection are based on non-refoulement, no risk of persecution, accessible durable solution, a dignified life within the respect of human rights, family unity, protection of people with special protection needs. Feller's speech also highlights that inadequate model of protection also exist (Stevens, 2013, pp.248).

Later in the UNHCR Handbook of emergencies (UNHCR, 2007), international protection defined as:

International protection includes a range of concrete activities that ensure that all women, men, girls and boys of concern to UNHCR have equal access to and enjoyment of their rights in accordance with international law. The ultimate goal of these activities is to help them in permanently rebuilding their lives within a reasonable amount of time. (UNHCR, 2007)

This definition also shows that UNHCR has developed a more comprehensive approach which includes Age, Gender and Diversity mainstreaming which aims for meaningful participation of all groups (UNHCR, 2007, pp. 9).

Furthermore, in its Protection Policy Paper, Understanding Community Based Protection (UNHCR, 2013), UNHCR describes protection regardless of community-based approach as:

For UNHCR, 'protection' covers all activities that aim to achieve full respect for the rights of the individual in accordance with the letter and spirit of human rights, refugee, statelessness and international humanitarian law. It requires the creation of an environment that is conducive to preventing or alleviating the immediate effects of a specific pattern of abuse, and restoring

human dignity through reparation, restitution and rehabilitation. (UNHCR, 2013, p. 6)

According to this definition, protection needs the elements of creating a safe environment, preventing abuse, maintaining human dignity, restitution, rehabilitation and implementation of human rights and refugee law within the protection environment.

The shift of the understanding of protection that UNHCR uses from its Statute to its policy papers is clear. Stevens states that UNHCR has developed from a diplomatic type of protection towards guaranteeing and mitigating for the rights of the people of concern, ensuring their wellbeing in the country of asylum and cooperating with the local, national, and global protection actors.

3.2.1. UNHCR Tools for Accessing Safety

It is stated in the UNHCR Handbook that, in the times of emergencies, UNHCR and other protection mandates must guarantee several actions and principles to be taken in order to access safety. These are admission of asylum seekers, non-refoulement principle, registration of people of concern to the authorities and in some cases, refugee status determination.

Handbook states that, in the state of emergency it must be ensured that people who seek asylum are admitted to the country of asylum. This is based on Article 14 of the Universal Declaration of Human Rights which states that ‘‘Everyone has the right to seek and to enjoy in other countries asylum from persecution.’’(UN, 1948). Based on the UNHCR Statute, states should cooperate with UNHCR and other protection mandates in order to admit asylum seekers within their territory without any discrimination based on their nationality, race, ethnicity, religion or belonging to a particular group. Furthermore, in the emergency situation, people may not have documentation during their flight and based on the Article 31 of the 1951 Geneva Convention, the state must not charge them for their irregular entry (UNHCR, 2007, p. 22).

As it is stated in the in Article 33 of the 1951 Convention, non-refoulement principle is based on no states can send refugees back to the borders or the territories of the places where they are persecuted or threatened. UNHCR also has given itself the task

of guaranteeing the principle of non-refoulement for people of concerns. Handbook states that, in order for the non-refoulement principle to be implemented fully, UNHCR should ensure communicating with the border authorities and building communication with them, providing awareness raising activities with authorities, local community and CSOs as well as establishing continuous border presence (UNHCR, 2007, pp. 22-23).

Handbook also states that if the asylum seeker does not obtain or does not formally obtain any status, the non-refoulement principle is still binding for the country of asylum. Most importantly it is stated that states must oblige to the non-refoulement principle whether they are party to the 1951 Convention and/or its 1967 Protocol or not (UNHCR, 2007, p. 22).

Registration is another action in order to access safety. UNHCR indicates that in order for people to obtain access to their rights and assistance, registration must be ensured promptly after their arrival. It was also indicated in the handbook that registration helps authorities and protection mandates to follow up and monitor refugees and prevents the loss of rights. Moreover, UNHCR states that registration can be done or supported by UNHCR as it can take state's responsibility in the times of emergencies (UNHCR, 2007, p. 23)

Refugee Status Determination known as RSD is a decision process that the government or UNHCR under the authority of the government is responsible for determining compliance with refugee requirements. Just as the registration procedure, states are primarily responsible to process RSD; however, the process can be taken over by the UNHCR if the state capacity is not adequate. RSD's are based on one or more series of interviews to understand the applicant's cause of being an asylum seeker. UNHCR states that states of UNHCR must ensure that RSD interviews should be based on non-discrimination and confidentiality. RSD procedure can be a regular process, or it can be accelerated if there is an urgent protection need (UNHCR, 2007, p. 24).

3.2.2. Durable Solutions

As one of the aims of the UNHCR mandate is providing durable solutions for the people of concern, UNHCR suggests three traditional durable solutions. These are

resettlement, voluntary repatriation and local integration. UNHCR states durable solutions as follows:

- i. Voluntary repatriation occurs when uprooted people return to their homes after making a free and informed decision to do so.
- ii. Resettlement occurs when refugees are offered and take up permanent admission in a third safe country to rebuild their lives.
- iii. Local integration occurs when refugees rebuild their lives in the country where they have found safety.

Voluntary repatriation is a durable solution that occurs when the person of concern wishes to return with their own free will and consent when the conflict and persecution is partially or completely over (UNHCR, 2007, pp.44). According to UNHCR standards voluntary repatriation cannot be executed forcefully and must proceed based on safety and dignity. People with specific needs must be observed before the final decision of return is taken. UNHCR is also responsible for the monitoring of returnees (UNHCR, 2007, p. 45).

Resettlement is a process of finding a durable solution for the people of concern in a third country. UNHCR strongly states that resettlement is not a right, it is a selection process that occurs when the refugee has no means of protection or durable solution in the country of asylum or if they have urgent needs that can be eliminated in a safe third country. UNHCR states that all durable solutions must be assessed before the resettlement and the people of concern must be given the status of refugee or conditional refugee.

Resettlement also occurs when the country of asylum has no means of providing the asylum seeker full refugee status. This situation may occur when the states are party to the 1951 Convention however, a reservation is made for the geographical limitation in the 1967 Protocol. Therefore, resettlement is also seen as a responsibility sharing mechanism for the international community (UNHCR, 2011, pp.112). In the Resettlement Handbook (UNHCR, 2011), UNHCR specifies the resettlement categories regarding the specific needs of the people of concern. These are legal or physical protection needs, survival of torture or violence, medical needs, women and girls at risk, family reunification, children and adolescents at risk and lack of durable solutions (UNHCR, 2011, p. 37).

Local integration is another durable solution which takes place in the country of asylum. UNHCR states that local integration is a continuous project that needs legal, economic, social, and cultural parameters (UNHCR, 2007, p. 45).

3.2.3. UNHCR's Operational and Implementing Partners in Protection

UNHCR's operational features developed over time became more involved in humanitarian affairs and enhanced its capabilities to involve in mass migrations, conflict prevention, policy making and also implementing and operating partnerships with agencies at the local, national and global level (Stevens, 2015, pp. 5-6).

UNHCR prefers to be involved in protection indirectly through partnerships unless for emergency situations. Therefore, it seeks for partnership among the humanitarian agencies. The reason for the indirect involvement of UNHCR is the fact that national organisations already have a staff and familiarity with the field. Moreover, these organisations already have a response and assistance structures towards the people of concern. Operating partners of UNHCR is based cooperating in the protection of applicants however, it is not funded by UNHCR whilst implementing partnership is based on an implementing partnership agreement and it is funded by UNHCR (UNHCR, 2007, p.116) .

UNHCR states that partnerships should not be limited to the projects, funding and protection related activities but also includes communication and advocacy. UNHCR also introduces a set of principles regarding the partnerships. These are transparency in communication and financial affairs, results-based approach, responsibility regarding obligations and commitments, complementarity through contribution among partners (UNHCR, 2019, p.66).

UNHCR also supports its implementing and operational partner in building capacity to respond to protection needs by setting or adjusting policies, training sessions for the partner's staff or by introducing the appropriate technical and institutional means to comply with the relevant protection requirements (UNHCR, 2019, p.62). Moreover, two important tools are used by UNHCR's partner organisations in order to respond to the risks.

3.2.3.1. Standardized Specific Needs Codes

Specific needs codes (SNC) are a grouping method for identifying the protection needs of the people of concern. UNHCR described the Specific Needs Codes as “As part of its protection delivery functions, UNHCR is committed to identifying and addressing the specific needs of persons of concern to it. The Specific Needs Codes are UNHCR’s primary standardized tool for carrying out this task.” (Akodjenou & Okoth-obbo. 2009, p. 1). UNHCR also states the purpose of the SNC as follow:

Registration of refugees and asylum-seekers is a key protection tool. This extensive list of specific needs codes are designed to ensure a widespread standardized electronic recording and reporting of specific needs. It helps in the protection of refugees from refoulement and forcible recruitment and in ensuring access to basic rights and family reunification, identification of persons in need of special assistance, and the design and implementation of appropriate durable solutions. Registration provides a primary source of information on persons of concern to UNHCR, their problems and even needs. (Akodjenou & Okoth-obbo. 2009, p. 1)

As it can be seen in the description, UNHCR primarily formed the SNC for registration purposes however, SNC is not just a system formed to assist in specifying the needs of the people of concern. It also provides a common guide for inter-agency referrals for UNHCR partners.

There are 11 main categories of SNCs with each of them having its subcategories. These categories are child at risk, unaccompanied or separated child, women at risk, older person at risk, single parent or caregiver, disability, serious medical condition, family unity, specific legal and protection needs, torture and sexual and gender-based violation known as SGBV.

Specific needs are based on the people of concern’s background, characteristics and protection risks they carry. Specific needs codes are assessed on individuals during the registration or identification of the people of concern based on the interviews and the individual’s claims. After the first interview, specific needs may not be understood immediately, or the individual may not want to specify it. Therefore, multiple interviews may be required to identify specific needs (IOM & NRC & UNHCR, 2015).

SNCs ensure the fact that partner organisations provide fair protection and assistance. It is important to acknowledge that specific needs of the people of concern may change over time as old specific needs can be removed or new risks may arise. Moreover, it should be noted that one individual can carry multiple specific needs according to their protection concerns. Protection risks of the individual who falls under more than one specific need code increase and the level of risk increases accordingly. Therefore, people of concern with multiple specific needs codes can be prioritized in terms of protection interventions.

3.2.3.2. Case Management

Case management is a method which provides services by collecting the necessary information about the protection needs of the people of concern. Although the case management tool is not specific for UNHCR, partners of UNHCR also benefit from the case management as it supports the protection provision and interventions from the identification step until the case closure. In IOM Handbook (2019), case management is defined as:

A case management approach is a model of providing assistance to individuals with complex and multiple needs who may access services from a range of agencies and organizations. It has its roots in social work practice. It is also called care management, case coordination, service coordination, client navigation, or patient navigation. (IOM, 2019, p. 32)

This definition expresses the complexity of needs, intersectionality of the risks as well as coordination and cooperation with multiple actors that are service providers for the beneficiary.

Inter-Agency Guidelines for Case Management & Child Protection (2014) defines the key points and principles of case management. Based on the guidelines, participation of beneficiaries, coordination with actors and service, accountability of the case management agencies and responsibility of the coordination of the case management are the key points of the case management. Principle of do no harm, non-discrimination, consent and confidentiality are described as the main principle of case management (Global Protection Cluster, European Commission, USAID, 2014, pp. 13-18).

Standardized steps of case management follow as identification, assessment, case plan, implementation of case plan, follow-up and case closure. Identification step refers to the admission of the people of concern to the case management system. Identification is proceeded through the interview with the beneficiary and the consent of the beneficiary is taken in this step. Assessment step indicates the understanding process of the beneficiary's protection needs. This stage is planned to come immediately after the identification stage and requires a more in depth interview. At this stage, the knowledge and skills of the beneficiary, the capacity to express themselves, the way they express their problem, and their solution were evaluated with the cooperation of the beneficiary. Case planning as the third step includes, working together with the beneficiary in order to form a method for the solution of the protection concern. Once the case plan is completed, case implementation takes the next step. This step includes a series of referrals to the service providers in order to eliminate the protection needs of the beneficiary. Follow-up is the next step of the case management scheme which includes monitoring the implementation process and to check if the protection needs are met or new protection needs arise during the implementation. This step can take the process back to the assessment step in case of the emergence of the new protection needs. Last step is the case closure or case transference which can occur in several situations such as removal of the protection needs, beneficiary's departure to another country or transference of the case to another institution (IOM, 2019, pp.34-36).

The National Association of Social Workers formed the steps of case management including the additional “advocacy” step. The additional advocacy step represents the communication and mitigation of the systems in order to promote the beneficiary’s welfare. To put it in another way, instead of proceeding only with the standard stages of case management, a longer-term solution is aimed by moving to the root of the problem (NASW, 2013).

Government agencies, public service providers, intergovernmental organisations, international non-governmental organisations, civil society organisations play as key actors in the case management. These actors can take part in all steps of case management as they can refer the cases to one another for identification as well as they can be involved in the implementation step as the service provider. It is

suggested in the IOM Handbook of protection that the case worker should have the knowledge about the referral pathways and service providers according to the assessment of the beneficiary migrant (IOM, 2019, p.35).

Although the concept of case management has been defined in different ways by different humanitarian organisations, in the end, the focus is on choosing the most appropriate protection mechanisms and interventions to solve the beneficiaries' protection needs. For this reason, case management is very effective in the selection of the appropriate protection intervention, the implementation of functional referrals, the ability of individuals to become self-sufficient, knowing their rights and increasing their awareness and the most efficient use of limited resources.

CHAPTER 4

METHODOLOGY

This study aims to explore theoretical and conceptual discussions about the definition of the protection of refugees and the implementation of protection which was introduced in the wake of the Syrian Crisis in 2011 in Turkey in collaboration with international organizations such as UNHCR, UNICEF, UNDP, IOM. This research investigates to understand the protection of refugees in Turkey based on two main methodological orientation: (a) theoretical/conceptual discussion about the protection of refugees and the tools including case management scheme used in the protection of refugees which are defined on related documents and (b) an empirical research based on a series of semi-structured interviews with specialists working for different CSOs and INGOs implementing protection through case management tool. The second methodological orientation is designed to do reverse engineering of the first one to understand who ideally defined protection is being applied/implemented.

Ankara was chosen for the field study for several reasons; First, headquarters of the main CSO's, INGO's and implementing partners of UNHCR which provides, and monitors protection are based in Ankara. Secondly, some of the CSOs which the field study was conducted, provide protection in more than 60 branches all over Turkey and are supervised in Ankara.

4.1. Sampling

Research was conducted with protection staff of CSOs and INGOs who stand as a mediator between refugees and public service providers. Interviews were conducted with 22 protection staff members from 8 non-state actors including 2 INGOs and 6 CSOs working in the refugee protection field.

Research sample was formulated in two ways. Firstly, as a protection officer in a humanitarian CSO in Ankara, I used my connections and networking in order to reach a group of people who are currently working and previously worked as a protection staff of my organisation as well as protection staff from other CSO's whom I have been cooperating with through case referrals. Secondly, snowball sampling was used to reach some interviewees working in different CSO's.

Before the interviews some staff members of various CSOs and INGOs did not want to disclose their institution's name which created a particular challenge for the research. Therefore, the names of participants and organizations will not be mentioned in the research.

4.2. Participants and Organisations

Interviews were conducted with 22 protection team members from eight non-state actors operating in the refugee protection sector, including two international non-governmental organizations (INGOs) and six civil society organizations (CSOs). Interviews were conducted with 10 male and 12 female participants to create an equal gender distribution.

Protection staff holds a distinctive and primary place in refugee protection. UNHCR defines protection officer as a special title which provides liaison between people of concern and the vulnerable group. Duties and responsible of protection officers defined as follows (UNHCR, n.d.);

- Assisting vulnerable people in developing mechanisms that will increase their contribution and protection,
- Building effective relationships with the communities of concern as well as having knowledge about the cultural, political, social and economic atmospheres about the people of concern and provide senior management with advice,
- Ensuring that the experiences, capabilities, needs, and services of persons of concern are embodied in the protection policy, implementation and operations plan that meet the people with specific protection needs,
- Promoting universal refugee law norms and practices in a coordinated manner,

- Monitoring and assistance in the cases of refoulement, voluntary repatriation, resettlement and local integration,
- Promoting conflict resolution and community-based protection among the people of concern,
- Ensuring that the appropriate resources are allocated to allow protection programs to recognize and resolve safety and assistance vulnerabilities by direct action and lobbying with more senior protection staff,
- Supporting an advising mechanism with local authority counterparts, stakeholders, and people of concern to establish and enforce collaborative policies that resolve the most pressing protection concerns.

SGDD-ASAM, as an implementing partner of UNHCR in Turkey, defines the duties of protection officer as (SGDD-ASAM, 2018);

- Providing social and legal consultancy and monitoring of cases with a case management approach,
- Updating information on people of concern for UNHCR and other relevant stakeholders,
- Informing the field offices about the people in the relevant field as directed by UNHCR and other stakeholders,
- Making necessary interventions for the protection of newly arrived or registered asylum seekers through the UNHCR Protection Unit,
- Filling the necessary forms for people of interest,
- Making the representation of the difficulties faced by the refugee community in Turkey to attend meetings organized by other stakeholders,
- Organizing missions to field offices,
- Accompanying the people of concern to local authorities or hospitals, etc. if necessary,
- Ensuring close cooperation with UNHCR,
- Following the changes in Turkish legislation and developments in social integration mechanisms.

As it is defined in both definitions, protection officers are expected to fulfil a wide range of responsibilities varying from providing the best interest of the group of concern to cooperation with state authorities and non-state actors. Moreover, it is important to emphasise that the term “Protection staff” is used to describe the title of

respondents instead of protection officers considering not all interviewees are protection officers yet they are working in the protection unit. There are some other actors playing certain roles within the scheme of protection. Therefore, social workers, lawyers, case management officers and project assistants were also part of the interviewees due to being components of protection. Therefore, 11 protection officers, 3 lawyers, 2 social workers, 2 project assistants, 2 case management officers, 1 centre manager and 1 regional coordinator participated in interviews.

Interviews were conducted with 10 male and 12 female participants to create an equal gender distribution. Respondents' ages differ between 25 to 40 and the average age is 30. Majority of the educational background of the interviewees were Social Sciences and Law as 4 of the respondents graduated from law school, 6 of them graduated from their bachelor or masters from the department of social services, 3 of them graduated or had their master from sociology, 3 of them graduated from political sciences and 1 of them from psychology. Some of the participants did not graduate from the departments related to the field but gained their expertise in the field. 2 of the respondents came from the literature background, 1 of them from art history and 1 respondent from health services.

Experiences in the field of the respondents varied as people 4 worked in the sector between 2.5 to 3 years, 13 of them worked between 3.5 years and 5 years, 5 people worked more than 5 years. One interesting output regarding the experiences of the participants is the fact that the majority of the participants have worked among the non-governmental organizations where the research was conducted.

Civil Society Organizations' and Intergovernmental institutions' focuses, their funding organisations, their collaborations & partnerships and group of concerns will be revealed in this research; however, names of the institutions will not be revealed due to the hesitations of the respondents. While numerical numbering is given to the names of the participants, letters were used instead of the names of the non-state actors.

As it is mentioned earlier, respondents from 8 non-state actors including 2 INGOs and 6 CSOs participated in the research. 10 of the participants were from organization A, which is a civil society organization and one of the implementing

partners of UNHCR. Organisation A is known as the biggest civil society institution which has nearly 60 offices in 42 cities including 2 international branches that aims to provide social and legal support for refugees and asylum seekers' access to rights and services, providing psycho-social support, as well as social cohesion activities. Organisation A was also a part of joint registration of non-Syrians with UNHCR until 2018.

2 of the participants are working in Organisation B which is also an implementing partner of UNHCR and aims to develop and improve a rights-based refugee reception scheme. It has 8 branches in seven provinces where social workers collaborate closely with municipal authorities to help refugees gain access to their rights and services.

2 of the participants are working in organisations C which was originally aimed for the development of academic research in the migration field. However, with the intensity of the crisis in Turkey, they facilitated another branch in Ankara for refugees. In the centre, refugees are provided with counselling on access to services and their rights and responsibilities. Moreover, legal and psychological issues are also provided by legal counsellors and psychosocial counsellors'. In addition to providing individual counselling services to refugees, awareness raising sessions are organized for refugees. Organization C has 2 offices including 1 refugee centre and 1 HQ in Ankara.

1 responded is working in a community centre of a state funded civil society organisation D which is responsible for emergency assistance and inclusion and integration services for all foreigners who are documented and living in need of assistance, offering in-kind and cash assistance, and designing and executing projects and programs.

2 participants, one of whom is a lawyer and the other a centre manager, participated from the association E which focuses on sex workers and people living with HIV+. One of their ECHO funded project focuses on psycho-social, legal and protection Support for LGBTI + individuals, HIV + individuals and sex workers who are also refugees within their refugee assistance centres in 5 cities.

2 respondents are from organisation F which provides social and legal support for asylum seekers to access rights and services, provides psycho-social support, and organizes various activities for integration. Organization F has 9 branches in 7 cities including 1 international branch.

2 of the respondents who are working as project assistants in the organization G which is an intergovernmental organisation that assists the Turkish government in developing an accessible, inclusive, and human-rights-based migration management mechanism. Organisation G has 3 offices in Turkey.

Lastly, 1 of the respondents is working in the organisation F as a protection officer. Organisation F is also an intergovernmental organisation which targets the needs of the children living in the difficult situations in Turkey in the fields of education, child protection, health, social policy, and youth.

General information about these 20 respondents and their organisations can be seen in following Table 1 and Table 2;

Table 1: Sociodemographic data of the respondents

	Nickname	Age	Title	Education	Experience in the field	Organisation	Former Organisation
1	Respondent 1	25	Case Management Officer	Social work	2,5-3 years	Organisation C	-
2	Respondent 2	34	Regional Coordinator	Health	5 years	Organisation A	-
3	Respondent 3	32	Protection Officer	Teacher, MA in Social work	4 years	Organisation D	Organisation A, Organisation F
4	Respondent 4	29	Protection Officer	Art History	5 years	Organisation A	-
5	Respondent 5	27	Social Worker	Social Services	3.5 years	Organisation A	-

Table 1 (Continued)

6	Respondent 6	32	Protection Officer	Sociology	4 years	Organisation A	-
7	Respondent 7	34	Child Protection Officer	Law	5 years	Organisation A	-
8	Respondent 8	27	Lawyer	Law	2.5-3 years	Organisation E	-
9	Respondent 9	27	Social Worker	Social Services	2 years	Organisation B	-
10	Respondent 10	43	Project Assistant	Political Science	5 years	Organisation G	Organisation A, UNHCR
11	Respondent 11	27	Protection Officer	Political Science	3.5 years	Organisation A	-
12	Respondent 12	33	Protection Officer	Communications	4 years	Organisation A	-
13	Respondent 13	30	Lawyer	Law	5 years	Organisation F	Organisation A
14	Respondent 14	34	Senior Protection Officer	BA in Engineering MA in Sociology	6 years	Organisation A	-
15	Respondent 15	27	Protection Officer	Social Services	5 years	Organisation A	-
16	Respondent 16	29	Lawyer	Law	3 years	Organisation A	-
17	Respondent 17	36	Community strengthening and protection officer	Sociology	9 years	Organisation B	-

Table 1 (Continued)

18	Respondent 18	34	Centre Manager	Literature	6 years	Organisation E	Organisation A
19	Respondent 19	33	Protection Officer	Psychology	6.5 years	Organisation H	Organisation A
20	Respondent 20	29	Senior Project Assistant	Political Science	7 years	Organisation G	Organisation A, UNHCR
21	Respondent 21	27	Case Management Officer	Social Services	2.5 years	Organisation C	Organisation G
22	Respondent 22	32	Protection Officer	Literature	5 years	Organisation F	Organisation A

Table 2: Profile of CSO in Ankara in the Field of Migration

	Name of the organisation	Type	Funded by whom?	Staff Number (approx.)	Branches	Partnerships	Target groups
1	Organisation A	CSO	UNHCR, UNICEF, UN WOMEN, WHO, PRM	1.700	60	UNHCR	IP, TP
2	Organisation B	CSO	UNHCR, WHH	50		UNHCR	IP, TP
3	Organisation C	CSO	ECHO	20		World Vision International	IP, TP
4	Organisation D	CSO	GIZ, IFRC	-		-	IP, TP, Turkish citizens

Table 2 (Continued)

5	Organisation E	CSO	UNFPA, ECHO	30		Positive living association	IP, TP, LGBTI+, Sex Workers
6	Organisation F	CSO	PRM	100-150			IP, TP
7	Organisation G	INGO	UK, US, Norway,	-			IP, TP, returnees
8	Organisation H	INGO	EU	-	-	Requested to be unspecified	Requested to be unspecified

4.3. Interview Design

A three-part semi-structured interview was conducted with the 22 interviewees in order to attain quantitative and qualitative data that enabled the researcher to acknowledge some statistics and verbal analysis about the implementation of refugee protection. 40 open ended questions were asked to the respondents in total. First part of the interview consisting of 9 questions focuses on some basic demographic information about the participants. Second part of the interview consists of 23 questions which aims to open more space for them to express their experience and opinions. 9 of the questions were asked in the third part of the interview which focuses on the case management scheme that was designed in order to illustrate the case management process in the migration field. Interviews lasted between 1 hour and 1.5 hours.

For the research, two sets of questions were prepared. Both sets consisted of open-ended questions which approximately took an hour to conduct. All respondents were subjected to the same question pattern. First sets of questions divided in the 4 parts which includes demographic questions, their job descriptions and duties, questions regarding the donors and the projects of the respondents as well as questions regarding the experiences and challenges of protection staff face whilst the implementation of protection.

In the second set of questions, a scheme about case management about the standard operational procedure of refugee protection was shown to the respondents. This scheme was prepared on the basis of both the case management scheme that is in the social services literature and the standardized operational procedure of the institution that I am part of. Questions regarding the scheme were about the procedures and steps that protection staff take while implementing protection. These questions were conducted in order to understand the gap between the standardized case management scheme of protection in the migration field and the form that is used in practice. Since I am working in the protection field, several terminologies related to the field were used without hesitation and there was no difficulty in understanding the terminology that was used. Due to the Pandemic and the lockdown, interviews were conducted online through Zoom calls.

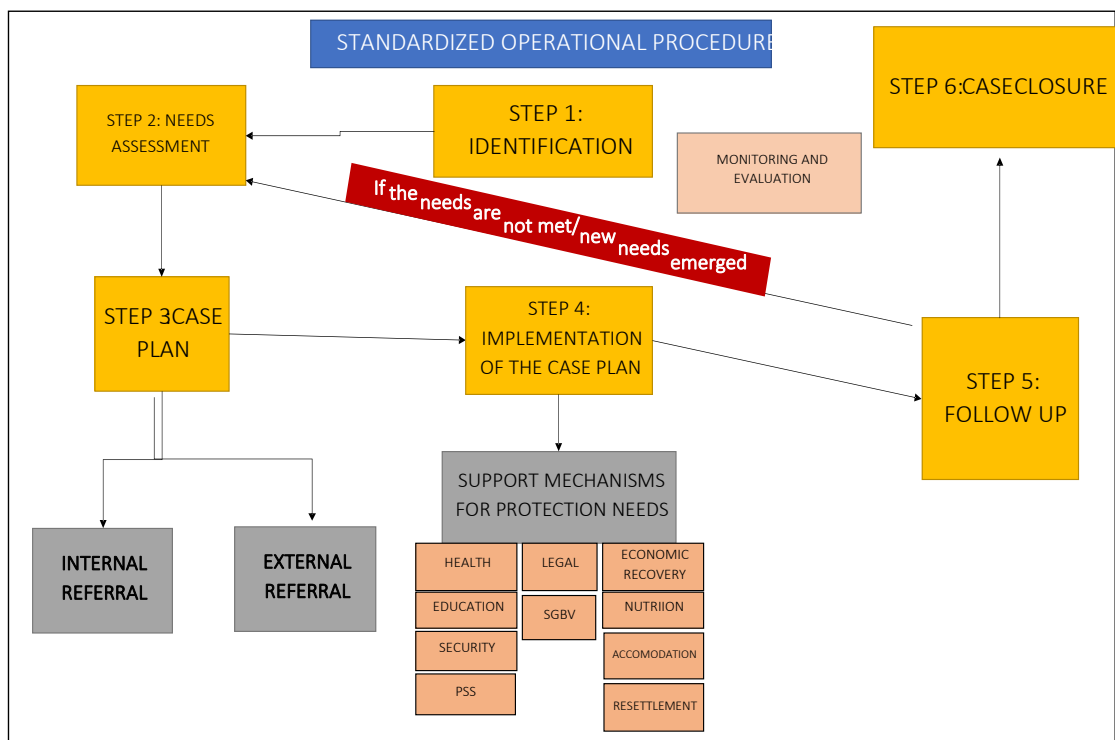


Figure 2: Case Management Scheme in the Protection of Refugees

4.4. Analysis Method and Operationalization

Data was obtained by using coding analysis under themes according to the interviewees' responses. Firstly, raw transcription was eliminated into relevant text. And repeating ideas of the respondents were gathered under certain themes and at last, themes were grouped under two constructs. Hereby, results of the field study on the implementation of protection were presented in an outline of repeating ideas, themes, and theoretical constructs (Auerbach & Silverstein, 2003, p. 35).

The analyses yielded two major themes. First theme is regarding the experiences of protection in the implementation process whereas the second theme is on the subject of problems, gaps and issues regarding the implementation of protection. Experience of protection in the implementation

After the transcription process of the data, there were 396 pages of raw transcription from 22 protection staff. Due to the density of the ideas within the transcription, turning them into relevant text and repeating ideas was a long process. Thanks to my thesis advisor, the second theme was analysed based on actors of protection. Analysing the problems, gaps and issues based on actors was a practical and more straightforward process. However, the first theme consists of several approaches, protection tools and actors. Therefore, analysing them into subcategories was a challenging process.

During the interviews, the terms "beneficiary", "applicant", "people of concern", "migrant" and "refugee" were used considerably. Although terms "beneficiary" and "applicant" come from social work literature and do not mean "refugee", these terms in this study were used as forced migrants.

The concept of "non-state actors" refers to organisations or individuals that are not funded by the government or directed by the government. In this study, concept of non-state actors refers to CSOs and INGOs.

4.5. Strengths and Limitations

One of the main strengths of this research is the fact that it is the only thesis which focuses on the protection of refugees in the Social Policy literature. Likewise, the

concept of protection was evaluated in the literature based on an international law approach. Therefore, this research will contribute a new point of view to the protection understanding.

Due to the specific dynamics of CSO and governmental relations in the Turkish context, it is at times hard to distinguish one's conduct and discourse from the other, especially in practice. CSOs find themselves in relatively precarious positions in terms of demands; they find getting permission challenging at times. Similarly, researchers from outside find that they must go through a permission process if they wish to conduct their research. As an insider who works in the Organisation A, it was less challenging for me to find the participants as many of them were my colleagues in the field.

As a person working in the migration field as a protection officer, my perspective in this study has been very helpful in understanding the experience of the participants. In fact, I can say that I share the same experience with many participants regarding the implementation of protection in CSOs.

One of the limitations of this study is the fact that it took me a long time to narrow down the subject of the thesis. Ever since my master's started, I knew I wanted to conduct my research in the field of forced migration and civil society. However, I could not shape the subject of the thesis yet. Thanks to my thesis advisor, he advised me that I could theorise my experience as a protection officer working in a CSOs and focus on the concept of protection and its implementation in the civil society.

Lastly, another limitation is the restrictions imposed by the pandemic and lockdown. Before the lockdown half of the interviews were conducted however, pandemic has prevented me from continuing face to face interviews. Therefore, rest of the interviews were conducted online.

CHAPTER 5

CASE STUDY: IMPLEMENTATION OF PROTECTION THROUGH CSOs IN TURKEY

In the previous chapters, theoretical discussions and approaches on the concept of protection were mentioned, and the concept of protection in Turkey and the roles of the actors providing protection were emphasized. In this chapter, a fieldwork with Protection Staff who are working in Civil Society Organisations and Inter Governmental Organisations in Ankara province will be presented. The acquired data will be examined and evaluated, and the patterns and trends discovered in the data will be demonstrated in this section of the thesis. As it was discussed in chapter two, protection has vague and broad definitions. Therefore, in this part, definition of protection by the CSOs, how it is implemented by the CSOs as well as gaps and problems regarding the implementation of protection will be discussed based on the former and current protection staff of CSOs and INGOs will be presented based on the experiences of the interviewees. The data of the field research collected through interviews conducted with the 22 protection staff from 6 CSOs and 2 INGOs which covers their experience in the implementation of protection and the issues in the practice of protection.

Chapter is divided into two main themes: First theme is based on the experiences of protection staff in the implementation of protection. In the first theme, protection definitions and how it is implemented via tools were defined by the respondents based on their protection experiences in the field. Four dominant patterns as subtitles emerged from the responses of the applicants: definition of protection in practice, role of CSOs and protection staff in protection, the structure of protection and the actors of protection.

Second main theme is regarding the problems and gaps in the implementation of protection. In the second theme, participants responded to the problems they encountered during the implementation of the protection. 6 major patterns emerged as subtitles emerged from the responses of the applicants. 5 of the patterns were grouped under the actor-based subtitles. Actors were determined as applicant/beneficiary, state institutions, CSOs, INGOs/Donors and host community. Pandemic emerged as another problem as new protection needs and gaps emerged as a result of an unexpected pandemic.

Two main themes show a broad pattern about the experiences and gaps of protection. Details of the themes and patterns will be discussed in this part of the thesis. Overall, these patterns can draw a sustainable policy-making path for a better implementation of protection.

5.1. Experiences of Protection in the Implementation

In this theme, the participants answered questions about what protection is in practice, what the duties of the protection officer and their associations in protection, and what methods they use while implementing protection.

First subtitle is the definition of protection in implementation based on the experiences of the protection staff. In this subtitle, responses of the interviewees summed the definition of protection into 5 subgroups as providing information and referral in order to access rights, emergency intervention, walking along with the applicant, strengthening and awareness raising and policy making.

Second subtitle is the role of CSOs and Protection Staff in the implementation of protection in accordance with the experiences of the interviewees. This subtitle is divided into two subgroups as Role of Protection Staff working in CSO's in Protection and Role of CSOs in Protection during the joint Registration Process. Second subgroup has a special significance due to the unique characteristics of the CSO's and UNHCR during the registration of international protection applicants to the UNHCR and UNHCR-ASAM-DGMM joint registration procedure between 2015 and 2018.

Third subtitle is the structure of protection in CSO's which analyses the tools and actors of protection in the implementation process. For this part, questions were asked based on a case management scheme that was shown to the participants and as a result, 4 subgroups were defined based on the case management scheme. First subgroup explains the specific needs of the beneficiaries and how to identify their needs and risks. Second subgroup gives a deeper understanding regarding the case management tool and steps of the case management. This subgroup also explains the relationship between protection and case management in consonance with the experiences of the protection staff. Last subtitle is on experiences of the protection staff in supervision since all of the interviewees both receive supervision from the senior protection staff members and provide supervision to the field offices.

Last subtitle reveals the actors of protection as CSO's, State Institutions, INGO's and the role of UNHCR. UNHCR has its own subgroup considering its broad role in protection, refugee status determination, resettlement, and its partnerships in Turkey.

5.1.1. Definition of Protection based on the experience of the Protection Staff

As it was discussed in the chapter two, protection which is defined by the UNHCR is based on all activities that aim to achieve full respect of the rights of the individual based on age, gender and diversity approach as well as creation of an environment that is preventative for threats and restoring through reparation, reinstatement and rehabilitation (UNHCR, 2013, p. 6)

While this definition was criticized for being too broad and vague, several questions were asked to the participants in order to understand the differences and similarities between the theoretical definition and the protection in practice. According to the data obtained from the respondents, protection staff aims for these criteria however, they also specified different element of protection which UNHCR dismisses such as the importance of the participation of the refugee in the implementation of the protection. Another aspect that UNHCR dismisses is the importance of providing information, awareness raising and strengthening of the refugees.

Respondents' views of protection can be handled under five subtitles: first one is providing information and referrals in order to access rights, second one is

emergency response, third one is walking along with the applicant, fourth one is strengthening and awareness raising, fifth one is policy making. According to the applicants, protection was not only defined as a tool to access rights and services, but also a mechanism for encouragement and awareness raising of the beneficiaries in order to cope with the protection needs by themselves.

These answers also illuminate the research question of how protection is being applied in the case of Refugees in Ankara some of whose cases are followed by protection officers in CSOs.

5.1.1.1. Providing information and referral to Access rights

In the case of protection staff's experiences in protection several questions in the interview allowed finding out the definition of protection in practice. Some of the respondents defined protection as making the maximum effort and space to provide information to the applicant and making the correct referrals in order to access rights and services. Considering the fact that knowing their rights opens the simplest way to protection, it can be considered that informing the applicants about their rights is one of the practical definitions of protection. For instance, Respondent 6 stated that:

to be able to explain how an asylum seeker can access their rights, what rights they have. To be able to recognize them and to explain in which ways they can reach them. When faced with any risk, the institutions that need to do and reach, etc. I can actually call it drawing a road map.¹

Some of the respondents deepened the statement from simply providing space to access rights to an activity aimed at facilitating the access of vulnerable groups to the rights enjoyed by all. To clarify this, Respondent 11 stated that:

To me protection is an activity that aims to facilitate the access of vulnerable groups to the rights that everyone has access to, or that the group is a vulnerable group, and that group is protected with extra measures, that is, the measures normally provided to non-vulnerable groups.²

¹ Ya bir kişinin, sığınma talebinde bulunan bir kişinin, haklarına erişiminin nasıl yapacağını hangi haklarının ne olduğunu anlatabilmek. Bunların farkına varabilmesi ve hangi yollarla onlara erişebileceğini anlatabilmek. Herhangi bir riskle karşılaştığında yapması gereken, ulaşması gereken kurumlar vesaire... Ona bir yol haritası çizmek diyebilirim aslında.

² hani bir kırılgan grup olduğu ve o grubun extra önlemlerle yani normalde sağlanan önlemlerin işte normal şartlarda kırılgan olmayan gruplara sağlanan önlemlerin daha fazlasıyla korunması veya işte

According to the responses of the participants, it can be argued that providing information as well as safe space for information, identifying the needs of the person correctly and providing referral to the right referral mechanism comprises the basic nature of protection.

5.1.1.2. Emergency Intervention

Some of the respondents perceive protection as an emergency response which is a situation that threatens the applicant's safety of welfare and shall be acted upon immediately in order to eliminate the forthcoming vulnerabilities. For instance Respondent 7 made the following statement about how protection is in their own institutions:

It is like trying to eliminate maximum damage with available funds or trying to prevent maximum damage but more like trying to eliminate... So whatever problem is the most urgent with a maximum damage, it is to be able to intervene with the resources in hand and the movement space that the project provides us.³

In addition, Respondent 12 mentioned that:

I think protection is used for as an emergency response a little in the Organisation A. Namely, a case is conveyed to us, we take necessary measures then we follow up that case. We take actions, we follow up.⁴

In order to better understand the emergency response, its definition in the literature is examined. According to UNHCR emergency response defined as:

A humanitarian emergency, according to UNHCR, is any condition in which the lives, rights, or well-being of refugees and other people of concern are negatively impacted unless prompt and effective action is taken; and which necessitates an extraordinary response and extraordinary measures because UNHCR's current capacities at the country and regional levels are insufficient. (UNHCR, 2017, p. 8)

hani herkesin eriştiği haklara kırılğan grupların erişimini kolaylaştırmayı amaçlayan bir faaliyet benim için koruma.

³ Eldeki kaynaklarla maksimum hasarı gidermeye çalışmak ya da maksimum hasarı önlemeye çalışmak ama daha çok gidermeye çalışmak gibi..... Yani en acil olan ve maksimum hasar söz konusu olan sorun neyse, eldeki kaynaklarla ve projenin bize sağladığı hareket alanı ile ona müdahale edebilmek.

⁴ Koruma Organizasyon A'da biraz acil duruma müdahale olarak uygulanıyor bence. Şöyle ki bir vaka geliyor bize, biz alınması gereken önlemleri alıyoruz. Daha sonra o vakanın takibini gerçekleştiriyoruz. Aksiyonları alıyoruz. Devamını getiriyoruz

Whilst UNHCR’s definition of emergency response accords with the statements of the respondents in terms of responding to the urgent need of the applicant, it does not comply with the notion of protection as a whole in consideration of the fact that protection is not only responsive but also preventive. To broaden this argument, Respondent 2 states that:

So I will help the current problem of counselee but on the next step or the third step, what can I do for the next step? Maybe Turkey is not a safe country for them- especially for the LGBTI applicants it is not a safe country or for a single woman is not a safe country. It is also a thinking process that what can I do for this. Thinking about the next step, not only solving the current problem. Of course, my priority is to solve what will be solved in the first 24 hours about that case. However, thinking about the next step, I believe, really means doing actual protection. And of course, helping, offering options and guiding. Maybe, I can say it is to be slightly supportive on this path.⁵

Defining protection as emergency intervention emphasizes the “remedial” action element of the protection egg. However, 10 years after the onset of the crisis, describing protection as emergency intervention brings the question of whether it can ever be shift towards the environmental building element of the protection egg. Defining protection as emergency intervention also shows that lack of durable solutions and integration policies are inadequate for safe space and environment building, which are the core elements of UNHCR’s protection, for the refugees.

5.1.1.3. Walking Along with the Applicant

Some of the respondents used the statement of “Walking along with the applicant” whilst they defined protection. This statement can be explained as enabling the applicant to reach the necessary right and services by respecting their own wishes and desires, by taking his/her opinion while making a decision. Regarding this, Respondent 5 explains protection as:

⁵ Yani ben buna şu anki problemine yardımcı olucam danışanın ama üçüncü ikinci adımında, Bundan sonraki adımda ne yapabilirim?.... Türkiye de belki onun için- Özellikle mesela LGBTI danışanlar için güvenli bir ülke değil veya yalnız bir kadın için güvenli bir ülke değil. acaba Bunun için ne yapabilirim diye bir sonraki adımı da düşünmek bence. sadece o anki problemini çözmek değil. Tabii ki önceliğim tabii ki ilk 24 saatte neyi çözeceksin o vakaya dair onu çözmek. Ama sonraki adımı da düşünmek bence gerçekten gerçek bir koruma yapmak demek. Ve tabii ki yardımcı olmak, seçenekleri sunmak ve yol göstermek. Belki de. Bu yolda birazcık destekçisi olmak diyebilirim.

I think protection, for one thing, is more like walking along with a person - I mean counselee or applicant. It is not patting their back and fulfil their all needs... I can basically say that. It is more like worrying their problems, you see. I should find a solution to all of their problems, I should do this, do like this. I mean it is not like being someone's individual superman... It should be like, how can we improve their living conditions in a best way by taking into their wishes or considering their interests together with the state institutions. ⁶

In addition, Respondent 16 mentioned that:

First of all, the person has to reach to us at the primary level. We analyse needs and stories of the person who reached to us and then try to take the process forward by jointly deciding the most suitable way for them. In other words, our job is not to protect refugee despite the refugee, but we try to ensure that they achieve their rights by planning a route together. ⁷

This approach was also considerably highlighted by the participants in terms of the ability to provide the applicant with making their own decisions and developing their own coping strategies. For example, Respondent 2 argued that:

I provide this information to the applicant and asking for remaining application steps from them and being able to do accomplish them is something that increases the sufficiency of the person. I think there is mutual interest here. ⁸

Defining protection as "Walking along with the applicant" highlights the power of self-determination of the applicant within the case management. This approach promotes the National Association of Social Workers' (NASWA) perspective of strengths (NASWA, 2013, p. 18)

⁶ Koruma bence bir kere yani kiřiyle, danıřmanla ya da müracaatçıyla diyim yan yana yürümek aslında biraz daha... Sırtını sıvazlayıp her ihtiyacını önüne getirmek deęil de.. Temel řeyde bunu diyebilirim. Biraz derdiyle dertlenmek iřte. Her sorununa bir çözüm bulayım. řunu da yapayım böyle yapayım. Hani bireysel bir böyle süpermencilik deęil de... Yařam řartlarını en iyi řekilde, onun da isteklerini gözeterek ya da yararını gözeterek, devlet kurumlarıyla birlikte nasıl daha iyi hale getirebiliriz? Olmalı bence

⁷ ilk önce kiřinin birinci basamakta bize ulaşması gerekiyor. Bize ulaşmış bir kiřinin ihtiyaçlarını ve anlattıklarını analiz edip, ardından onun için en uygun olacak yolu kendisi ile birlikte ortaklařa karar vererek bu süreci ilerletmeye çalışıyoruz. Yani mülteciye raęmen mülteciyi korumak deęil bizim yaptığımız iř, birlikte bir yol çizip onun haklarına ulaşmasını saęlamaya çalışıyoruz aslında.

⁸ Bunun bilgisini ben veriyorum danıřana, geri kalanını ondan yapmak. Ondan geri kalan başvuru basamaklarının ondan istemek ve bunu gerçekleřtirebilmesi de kendi kiřinin yeterlilik řeyini de arttıran, duygusunu da arttıran bir řey. Bence burada da bu iki tarafın da çıkarımız söz konusu.

This definition of protection also reflects the Barwick and Slim's understanding of the empowering aspect of protection which consist of people demanding and organising protection for themselves. And the CSOs role here is to support them until they are able to protect themselves. Next subtitle strengthening and awareness raising is also reflects this idea.

5.1.1.4. Strengthening and Awareness Raising

Protection as strengthening and awareness raising envisages that people, families, groups, organizations, or societies intervene in their own lives and develop the ability to control in order to achieve a certain level of wellbeing. Many participants suggested that protection is empowering and raising awareness of the beneficiaries to make their own decisions without pacifying them by diminishing the intrusive meaning of protection. Moreover, when awareness-raising protection is applied to beneficiaries, informing beneficiaries about a problem provides empowerment and awareness regarding the problem before they encounter it. For instance, Respondent 2 states that:

Raising the awareness of the applicant, carrying out awareness raising activities, supporting personal development are also very useful in this regard. Protection. Let's say you are providing regular counselling to a woman who is victim of gender-based violence, this woman may not be aware of GBV at all. However, you will improve her awareness and provide information with the counselling and referral that you provided. Or let's say you will provide medical support to someone. Along with the support, you provide information. For example, you also provide training to this person on breast feeding. This counts as protection as well because this is also raising someone's awareness, improving their personal growth. These are also included, I believe. ⁹

⁹ Danışanı Bilinçlendirme, farkındalık faaliyetleri yapmak, Kişisel gelişime destek sağlamak da bu açıdan oldukça faydalı. Koruma. Çünkü siz bir kadın işte atıyorum GBV'ye maruz kalmış, bir maruz bırakılmış bir kadına.. kadınla konuşup ona standart bir danışmanlık verdiğiniz zaman bile belki kadın hani bu GBV nin farkında bile değildi. Mesela böyle bir şey oldu mu bilmiyordu bile diyelim. ama sizin verdiğiniz danışmanlık, yönlendirmeler vesaire ile farkındalığını arttırarak o konu hakkında bilgi sahibi olmasını sağlıyorsunuz. Veya atıyorum bir medikal destek sağlayacaksınız. Bunun yanında işte. [00:22:06] İşte konu hakkında eğitim veriyorsunuz. mesela Ne bileyim emzirme eğitimi gibi. Yani bunu da yapıyorsunuz. Bu da korumanın içinde. Çünkü bu da kişideki bilinç düzeyini arttırmak, farkındalık yaratmak, kişisel gelişimine katkıda bulunmak. Bunlar da bence işin içinde.

Respondent 15 also states that protection includes the environment that the person is within, and how the person of concern is be able to use the environment for themselves:

The word protection itself seems rather controversial sometimes, in my opinion. Because it is so paternalistic. I mean, protection, is like one-sided thing. It is like, we protect- discursively, there is one protector and one being protected. But in fact, in the sense that we actually use the word protection is to understand if there is any issues regarding accessing rights and services, if there are, what are they and their sources. Like intervening these issues, there is a conceptualization in the social work literature called “the person in environment”. That means the person is an individual, but this person has an environment. We can include various things like school, family etc. What are there, what kind of problems are there or is there any problem? In fact, it is intervening to these points where there is a problem by looking after interest of the person while including the individual. I define these interventions, strengthening someone for being capable of intervene and apply for relevant institutions rather than intervention of the case worker¹⁰

This reflects the environment building aspect of the protection egg which enables people to realise the capabilities and sources within their environment and how to use them effectively to create a more sustainable life and prevent threats.

Respondents also agreed on the fact that protection has a responsive effect. However, protection should be evaluated from a broader perspective which includes both responsive and preventive dimensions. For instance, Respondent 15 indicates that:

The thing we call protection, is being understand as emergency response by Civil Society Organizations but it has both protective and preventive sides. Protective part is essentially can be seen as the intervention when there is a protection risk, might be a security risk, sheltering risk. Conversely, preventive part is to work while looking for refugee group’s needs- I say refugee groups because they are not only one group, each group might have different issues-. For example, several studies have been made, there are lots

¹⁰ Şimdi koruma kelimesinin kendisi biraz bazen tartışmalı gibi geliyor bana. Çünkü çok paternalist. Yani koruma. Tek taraflı bir şey gibi. Yani biz koruyoruz, bir koruyan var, bir korunan var gibi. Söylemsel olarak baktığımızda. Ama esasında bizim kullandığımız anlamda koruma aslında bu Hak ve hizmetlere erişimde sıkıntı var mı? Kişilerin hak ve hizmetlere erişiminde sıkıntılar var mı? Varsa bu sıkıntıların kaynağı neler ve sıkıntıyla karşılaşılan noktalar neler? O noktalara müdahale etmek gibi sosyal hizmet literatüründe "çevresi içinde birey" gibi kavramsallaştırma vardır. Bu şu anlama gelir. Yani kişi kendi başına bir kişi ama bu kişinin çevresi var. Okul, aile vesaire bir sürü şey dahil edebiliriz. Oralarda neler var, nasıl sıkıntılar var ya da bir sıkıntı var mı? Aslında burada sıkıntı görülen noktalara kişiyi dahil ederek ve kişinin kararlarını gözeterek müdahalelerde bulunmak. Bu Müdahaleleri de yani vaka çalışanının buna müdahale etmesi değil de karşı tarafa bu müdahaleleri yapabilecek ve bu ilgili kurumlara başvurabilecek gücü kazandırmak olarak tanımlıyorum.

of field experience. If we know child labour is common, we observe that boys over the age of 12 are generally not attending school; working with families regarding this issue is preventive measure/activity- even if their kids are not child workers. Similarly, protection -I mean protective measures that require immediate intervention – should be evaluated in terms of strengthening someone if there is any deficiency in their ability to decide- about their own lives- rather than evaluating in terms of basic needs. That is the basis of protection, strengthening individual's capacity.¹¹

Respondents mainly highlighted the fact that strengthening and awareness raising sides of the protection avoid making the beneficiaries dependent on them. Therefore, encouraging beneficiaries to community-based protection. Respondent 2 gives an example of importance of leading beneficiaries to community-based protection to diminish the effects of the dependence of the applicants to the CSOs:

We also need to empower them. Actually, that is what I am trying to say. Yes, I lead the way, but I won't make them dependent on me. In order to do this, they need to benefit from collective basic services/community-based protection.¹²

Some of the respondents also highlight the importance of community-based protection in terms of empowering people's positive aspects by believing in people's capacity for development. Respondent 7 states that:

I mean, protection from outside is not a very sustainable thing. More precisely, its sustainability depends on external funds. However, community-based protection is sustainable, teachable and transferable. It is an approach that can be transferred from generation to generation, person to person, group

¹¹ Koruma dediğimiz şey de, Sivil toplum kuruluşlarında acil duruma müdahale gibi algılanan bir şey ama bunun hem koruyucu hem de önleyici bir tarafı var. Koruyucu kısmı aslında o kişi riskle iç içeyken, o koruma riski ile iç içeyken. Güvenlik riski olabilir. Barınma riski olabilir. Bu risklerle iç içeyken anında yaptığımız çalışmalar gibi görünebilir. Ama Bir taraftan önleyici çalışma da bizim çalıştığımız mülteci gruplara dair- mülteci gruplar diyorum. Tek bir grup değil çünkü her grubunda farklı problemler olabilir. -Onları gözeterek, aslında o grupların ihtiyaçlarını gözeterek, çalışma... Önleyici çalışmalar yapmak. Örneğin bir sürü araştırma yapılıyor. Bir sürü saha deneyimi var. Yani çocuk işçiliğinin yaygın olduğunu biliyorsak, 12 yaşından büyük erkek çocukların genelde okulda olmadıklarını gözlemliyorsak, Ona yönelik ailelerde bir çalışma yapmak önleyici bir çalışma oluyor. Onların çocuk işçisi olmasa bile- gibi. Benzer şekilde korumayı da sadece yani anında müdahale gerektiren koruyucu çalışmalarını da sadece risk, yani tanımladığımız temel ihtiyaçlar, üzerinden değerlendirmek değil de kişinin karar vermekle ilgili, kendi hayatına dair, kendi yaşamına dair karar vermek gibi yetisinde bir sıkıntı varsa, orada bir eksiklik varsa onu güçlendirici, oraya müdahale etmek de esasında bir koruyucu çalışma. Çünkü korumanın temeli budur. Kapasiteyi güçlendirmek, kişinin kapasitesini güçlendirmek

¹² Benim onu biraz da güçlendirmemiz lazım. Aslında demeye çalıştığım şey bu. Evet ben yolu gösteririm ama kendime de bağımlı kılmam. Bunu yapmak için de toplu temel hizmetlerden yararlanması lazım.

to group. Yet, it has great dangers. Therefore, I believe it is a form of protection that need to be followed with an external protection unit, even if it is at a minimum level. ... When we talk about community-based protection, we talk about something that is very open to abuse. Internal controls of community-based protection must be established very firmly. It has to be followed, supported by two or more external institution- I say institution not only employees, but the number of employees might also be higher¹³

This subgroup highlights the importance of the preventive aspect of protection which leads the refugee to be able to intercepts the threats before they occur. It is also emphasised that protection is much more than emergency intervention. Environment building is also mentioned which also supports the person-in-environment approach of case management that encourages the applicant to find their strengths and resilience within their environment. Role of protection officer here is to lead them to take actions rather than make the beneficiaries dependent of them.

It can be also seen from the responds of the participants. Strengthening and awareness raising through community-based protection is a key element for protection. However, as it was mentioned by UNHCR in the Chapter 3, community-based protection needs strong external partners which can balance the risks that community is not aware of through information and communication.

5.1.2. Role of CSO's and Protection Staff in the Implementation of Protection

In this subtitle, respondents from protection staff describe their role in protection based on their practices in CSOs in order to answer the research question of how to understand the role of Protection Officers in the process of protection. Although the mission of the non-governmental organizations that the participants work with is not protection, this part analyses the role of organizations and participants in protection. Respondents' views of their role can be handled under seven subgroups: first subgroup is cooperation with actors, second subgroup is capacity and self-

¹³ Yani dışarıdan gelen koruma çok sürdürülebilir bir şey değil. Daha doğrusu sürdürülmesi gene dışarıdan gelen fonlara bağlı bir şey. Fakat toplum temelli koruma dediğimiz şey sürdürülebilir bir şey ve öğretilbilir ve aktarılabilir. Jenerasyondan jenerasyona, kişiden kişiye, gruptan gruba aktarılabilir bir yaklaşım. Fakat çok büyük tehlikeleri var. Onun için mutlaka minimumda da olsa belli bir dışarıdan koruma birimiyle Bence takip edilmesi gereken bir koruma biçimi. ... toplum temelli korumadan bahsettiğimizde suiistimale çok açık bir yere gidebilecek bir yerden bahsediyoruz. Kendi iç denetimlerini çok sağlam kurulması gerekiyor. Toplum temelli korumanın. bunun mutlaka dışarıdan bir ya da iki ya da üç ya da daha fazla kurumla, kurumla diyorum. Sadece çalışan değil- çalışan sayısı daha fazla olabilir- Takip edilmesi, desteklenmesi gerektiğini düşünüyorum

development of the protection staff, third subgroups is providing counselling and referrals, fourth subgroup is pressuring state and facilitating, fifth subtitle is being accountable to the donor, sixth subgroup is accessibility and multidirectionality and the seventh is what kind of protection basis to they apply.

5.1.2.1. Capacity and Self-Development of the Protection Staff

Capacity building for public stakeholders and partners is a key element of CSO's strategy to provide more effective protection to refugees and asylum seekers. Furthermore, capacity building is not limited to the external partners of the CSO but also includes CSO's staff. Most of the respondents see capacity building and self-development of the protection staff as an integral part of refugee protection. This dimension includes in-organisational training, participation of training independently of the institution and improving themselves in interview techniques.

All of the respondents attended in-organisational trainings and trainings provided by donor institutions. A group of participants did not find the trainings useful in terms of practice, as they received training a few months after starting work and experiencing the field. However, training were found useful in terms of providing theoretical insights. For example, Respondent 22 stated that:

I had basic protection training from UN but I was already working in the field at that time. It wouldn't be a lie if I say the training didn't contribute much. You know, it may have certain minor procedural contributions but it was mostly for sake for appearances. It's not like we should discuss and bring some new ideas.¹⁴

Respondents also indicated that they were included in the group that provided the training immediately after receiving the training. For instance, Respondent 7 states that she could not be a part of the group that receives protection, but the group that provides protection.

¹⁴ BM'den yine temel anlamda koruma eğitimi aldım ama ya şimdi ben o zaman zaten çalışıyordum bu alanda, hani ben o zaman işi yapıyordum zaten ki onlar bana yani bir şey katmadı desem çok da yalan olmaz. Hani belli başlı ufak tefek belki prosedürel katkıları olmuştur ama öyle hani zaten bazen eğitimler biliyorsun bizim alanda dostlar alışverişte görsün eğitimleri oluyorlar. Hani aman biz tartışalım, deliler gibi ortaya yeni şeyler çıksın veya sorunları ortaya dökelim gibisinden değildi

In addition to this statement, Respondent 16 stated the fact that protection staff gain experience in the field very quickly that they are transferred to the group that provides training.

After a while, I myself started to provide trainings because although it doesn't seem much adequate to working somewhere for a year, we were working a lot and encountering so many cases, so we learn things very fast. Friends work at the Organisation A are like that, once they learn things very fast, they are able to train people who are not competent on the field.¹⁵

Apart from the trainings, respondents emphasised that self- development regarding the interview skills, knowledge on regulations and law and case management is an important part of the roles of protection officers. Respondent 2 indicates in this matter that:

The most important thing is strong communication, reassure people. Why would they tell you this? They have already faced with very bad conditions. We are not expecting to someone who has already shaken open up to you immediately. Therefore, the most important thing is to communicate well and assure people, I believe. It is important to explain that I have no interests, my only purpose is to help you. Then, I should do things that I can. Because, if you can't establish trusting relationship, you can't expect from that person to open up to you. If you can't reach correct information, you can't make appropriate referral.¹⁶

In this subgroup the capacity and self-development of the staff is discussed within the light of the role of protection staff in CSOs. Capacity and self-development proceeds through the trainings provided by donor institutions and in-organisational trainings and self-trainings. Provision of trainings by the donor institutions, mainly UNHCR reflects the indirect involvement of UNHCR in the protection. However, respondents' thoughts regarding to the inadequacy of the training provided by the donors shows the inability to provide practice-based training.

¹⁵ Bir yerden sonra kendim de eğitim vermeye de başladım bu tarz yerlerde, çünkü dediğimiz gibi hani çok fazla 1 sene bir kişiye 1 sene çalışmış olmak çok fazla bir deneyim gibi gelmese de biz sürekli ve çok fazla vakayla karşılaştığımız için gerçekten hızlı bir bilgi birikimine sahip oluyoruz. ASAM'da çalışan arkadaşlar öyledir, hızlı bir bilgi birikimine sahip olduktan sonra artık alanda hiç yetkin olmayan insanlara eğitim verebilecek pozisyonlara geliyoruz.

¹⁶ En önemlisi güçlü iletişim kurmak. Bir güven vermek. sana niye bunu anlatsın? Zaten gerçekten oldukça kötü şartlardan gelmiş. Yani zaten birçok duygusu sarsılmış birisinin gelip sana pat diye açılmasını beklemiyor. O yüzden en önemlisi bence, basamak olarak düşündüğümüzde, güzel iletişim kurmak, güven sağlamak. Yani ortada herhangi bir çıkarın olmadığı, Benim tek amacımın sana yardımcı olmak, olduğunu kişiye verebilmek. Daha sonra yapabileceğim şeyleri yapmak bence. Çünkü zaten sen bu kişiye güven ilişkisini sağlayamazsan zaten karşısındaki insana doğru bir şekilde açılmasını bekleyemezsin. doğru bilgiye ulaşamazsan da doğru yönlendirme yapamazsınız.

5.1.2.2. Providing Counselling and Referrals

Providing counselling and referrals according to the needs of the beneficiaries is considered one of the main roles of protection staff and CSO's. In order to diminish and resolve the vulnerabilities of people of concern is at the centre of the work of the non-governmental organizations working with refugees. The consultancy given varies according to the needs of the person as well as the focus groups of the institution. Types of counselling given to the beneficiaries can be as follows: social counselling, sexual and gender-based violence (SGBV) counselling, LGBTI+ counselling, medical counselling, legal counselling & information, psychosocial counselling. Through these counsellings, protection officers provide information to the applicants regarding their rights and responsibilities and how they can reach certain services. For instance, Respondent 11 stated that:

Basically, my job description is enabling vulnerable cases to access rights. We can discuss the definition of these vulnerable cases later but a significant part of these sensitivities stem from inability to access rights.... Here, too, providing counselling comes first. Informing people, directly, about their rights, how to enjoy those rights and make them practical; doing our best to remove the factors that prevent people from accessing rights, language barrier comes first among them... And it's basically our job to follow the outcome of the problem regarding access to these rights.¹⁷

Apart from the general counselling types, counselling may include ensuring the safety of the beneficiary such as reporting the incidents to the police force or applying to legal aid for emergency situations. These counselling can be elaborated under the SGBV type of counselling due to the fact that most of the incidents that beneficiaries faced derived from sexual and gender-based violation. For example, Respondent 11 stated that:

The fundamental problem of the counselling that we provide is security. I mean, we prioritize security problem the most. In case someone is having a security problem for any reason- it can be social belonging, gender, religion- our main priority is providing counselling regarding that problem. Right to

¹⁷ Benim görev tanımım hassas vakaların haklara erişimine olanak sağlamak aşlında temel olarak. Bu hassas vakaların hani zaten tanımını ilerde konuşuruz, ancak zaten bu hassasiyetlerin önemli bir kısmı haklara erişimin sağlanamamasından kaynaklanıyor. ... Burda da en başta danışmanlık sağlamak geliyor. Doğrudan kişiyi hakları ve o hakların nasıl kullanılacağı, nasıl pratik hale getirileceği üzerinden bilgilendirmek, o haklara erişimini engelleyen faktörleri ortadan kaldırmak için elimizden geleni yapmak, bunların başında da yine dil faktörü geliyor. Ve hani bunun sonucunu takip etmek, bu haklara erişimle ilgili yaşanan sorunun sonucunu takip etmek temel olarak bizim görevimiz.

security of listed groups is already guaranteed both in the constitution and in related regulations. Therefore, our main responsibility is to provide counselling for the implementation of this law.¹⁸

In addition, Respondent 16 stated the following regarding the legal counselling:

From the application- the international applicant status that a person applies when they arrive to Turkey- to rejection or acceptance of this application, all legal process, appeal process, deportation orders, administrative detention decisions, taking into removal centres are administrative legal process. It is not limited to this.¹⁹

As for which counselling type is most provided, respondents stated that medical, social and legal counselling are among the most frequently given counselling. Many of the respondents also state that counselling regarding financial assistance consists of the most counselling. Due to the fact that one of the biggest problems of refugees and asylum seekers is financial problems and many beneficiaries cannot find a job especially due to the stagnation in the economic situation. As CSO are working with the refugee groups with low-income sources, protection officers direct those who are eligible to access social benefits to the necessary mechanisms to ensure that they can access them at work or provide them financial assistance from CSO's budget. For instance, Respondent 11 stated that:

Quantitatively, the most frequent counselling that we provide is for social assistance, financial support. Because we mentioned how high the number of refugees in Turkey is, their vulnerability mostly drags people into chronic poverty, poor working conditions, or informal employment.²⁰

¹⁸ Ya verdiğimiz danışmanlıkların tabii ki en temelinde güvenlik problemi geliyor. Yani bizim en önceliklendirdiğimiz problem güvenlik problemi. Eğer bir kişi toplumsal aidiyeti sebebiyle olabilir, toplumsal cinsiyete dayalı bir şekilde olabilir veya işte dini aidiyeti sebebiyle olabilir, herhangi bir sebepten bir güvenlik problemi yaşıyorsa bizim temel önceliğimiz buna yönelik bir danışmanlık sağlamak. Zaten hani kanunen hem anayasada hem de gerekli kanunlarda bu saydığım grupların güvenlik hakkı güvence altına alınmış zaten. Dolayısıyla aslında bu kanunun uygulanmasına yönelik danışmanlıkları sağlamak bizim temel görevimiz.

¹⁹ Yani gerek başvurular yani bir mültecinin Türkiye'ye geldikten itibaren mültecilik statüsünü alabilmek için başvurduğu uluslararası koruma başvuru sahipliği statüsünden, işte o başvurunun reddedilmesi veya kabul edilmesi, bütün hukuki süreçler, itirazlar, sınır dışı kararları, idari gözetim kararları, geri gönderme merkezine alınmalar, bunlar idari hukuki süreçler. Sadece bununla da kalmıyor.

²⁰ Sayısal olarak vermek gerekirse aslında en sık sağladığımız danışmanlık sosyal yardımlara yönelik, ekonomik desteklere yönelik danışmanlıklar çünkü hani Türkiye'de mültecilerin sayısının ne kadar fazla olduğundan bahsettik, zaten onların kırılgan durumu da çoğunlukla kişileri ya kronik bir yoksulluğa ya da kötü çalışma şartlarına veya işte yasa dışı sektöre genellikle itebiliyor.

Referrals according to the needs of the beneficiary are deemed as an important role of the protection staff as protection is not a single sided system and needs cooperation. Respondent 2 states that:

I think, we as the Association, don't have any sanctions- I mean, how can I say there is no mechanism to take in someone into association and protect. We refer every person to protection mechanisms that the state provides, and we assist them on this. Again, as I say as an Association what we can do is to refer someone, accompany them and follow the results.²¹

Furthermore, accompanying beneficiaries to protection mechanisms and other referral mechanisms emerged as another role of the protection officers and CSO's although it is limited with the emergency situations. Respondent 1 stated that CSOs also accompany the applicant to the relevant service provider if the protection concern needs urgency and fast action.

It was again emphasised that the role of protection staff is to cooperate with the beneficiary whilst providing counselling, not to act despite the beneficiary. Respondent 2 stated the following regarding the cooperation with the beneficiary:

I can make the plan on my own. Of course, I make the plan but this is something that I implement collectively. I don't have the right to comment on something for an applicant. This is a plan that will be made with their participation. I mean, I don't have any right to say - OK, now we are going to do these to anyone. Therefore, of course, this process proceed with the options we provide them with their approval.²²

In this subgroup, counselling, their types and provision were emphasised. Providing counselling seen as one of the biggest components of protection as well as role of protection officers given that through counselling, protection officers are able to fulfil their role in protection by providing information to the applicant in order them

²¹ Bence zaten bizim dernek olarak herhangi bir yaptırımımız... yani nasıl söyleyeyim? o kişiyi bünyemize alıp ben bunu koruyacağım diye bir mekanizma zaten söz konusu değil. Gelen her kişiyi , devletin sağlamış olduğu koruma mekanizmalarına yönlendiriyoruz ve bu konuda onlara yardımcı oluyoruz...Yani yine dediğim gibi biz dernek bazında yapabileceğimiz şey yönlendirme yapıp bu yönlendirme eşlik edebilmek ve sonucunu takip etmek.

²² Ben planı kendi başıma, tek başıma yapmıyorum. Tabi ki planı yapıyorum ama beraber uyguladığım bir şey bu. Ben bir danışanın, birisinin yerine söz sahibi olamam. Onların da, danışmanların katılımıyla olacak bir Plan bu. Yani ben. Evet bunları, bunları yapacağız şimdi deme hakkım yok Hiç kimse üzerinde. O yüzden tabii ki bu sürece onların onayı ile bakın şöyle bir şey var, bunu yapabiliriz, ne yapabiliriz diye onların önüne sunduğumuz seçeneklerle ilerleyen bir süreç bu.

to reach their rights and services. It is also mentioned that some of the higher cases needs intervention within the consent of the applicant and accompanying in order to ensure applicants safety.

5.1.2.3. Pressuring state and Facilitating

Civil society in general, and NGOs in particular, forces the state to develop some policies and encourages the state to apply existing policies, as it gives the opportunity to announce. CSO's who are working in the migration field developed some alternative ways to pressure state institutions in terms of implementing existing regulations such as registration to state authorities, making 183 notifications or implementation of injunctions. Respondent 2 indicated that one of the alternative ways of pressuring state is being a "sweet talker":

2-3 years ago, I used to hear the phrase 'We don't take care of/deal with refugees.' very often in women shelters of Provincial Directorates of Family and Social Services or Violence Prevention and Monitoring Centers However, this is a woman or a child... Now we see this less when it is compared to the past. Frankly, I think CSOs made this happen. Because state institutions has only just begun to get training about this. That's why CSOs have to develop themselves in the field of protection, they have a duty in state mechanisms, and by communicating with institutions like "this is not the case, look." We always do it like this, but in fact, look, it is written in the law, "and so on, by sweetly guiding them causing it to get into their heads a little bit. Therefore, good protection of CSOs means that they are followed by the government in a way.²³

Some of the respondents state that keeping pushing the boundaries and never letting go is another way of getting state institutions to do what it needs to do. For instance, Respondent 18 states that:

I mean, you have to be very stubborn, you have to never let go. Because, the first application to an institution will be rejected, the second time also will be rejected. You shouldn't let go of this, as much as you can of course. We can't

²³ İlk başta ben bundan 2 3 yıl önce korumunda çalışırken ASPİM veya ŞÖNİM Kadın sığınma evlerinde "mülteci bakmıyoruz biz" lafını çok duyuyordum açıkçası ama aslında o da bir kadın veya bir çocuk. ... Ama geçmişe baktığım oranla baktığınız zaman en azından bunun kırıldığını görüyorum. Bunun da STK'lar sayesinde olduğunu düşünüyorum açıkçası. Çünkü devlet kurumunda bunun eğitimini daha yeni alınmaya başlandı. O yüzden STK ların koruma alanında kendilerini geliştirmiş olmaları, devlet mekanizmalarında görev, insanlara da bir şekilde "aslında bu böyle değil bakın." Hep tatlı dille " böyle yapıyoruz ama aslında bakın yasada da şöyle yazıyor " vesaire gibi tatlı tatlı yönlendirme yaparak biraz kafalarının içine sokmasına sebep oldu. O yüzden STK'ların korumasının iyi olması demek bir bakıma devlette de arkasından geliyor olması demek.

do it with what we want, it also limits it. In fact, we have a mission to follow as much as we can and be a troublemaker.²⁴

There is also a perception amongst participants that CSO's whom they are working in, act as a bridge between state institutions and the beneficiaries. In other words, CSO's facilitate the service that beneficiaries need to obtain from the state institutions. For instance, Respondent 22 states that:

Protection basically is easing to access public services, I believe. There are services that we provide directly too. However, if you don't act as a facilitator between public institutions like Directorate of Migration Management, Ministry of Family and Social Services this is a simple, sterilized protection and does not suit me.²⁵

Cooperation with public and non-public institutions were mentioned among the duties mentioned by the protection officers. Moreover, supporting relevant mechanisms at national and local level in cooperation and coordination with public institutions and organizations to ensure that asylum seekers and refugees can access rights and services is at the forefront of the tasks of non-governmental organizations. For instance, Respondent 9 indicated that:

We also had meetings with District Directorate of National Education and Provincial Directorate of National Education. Apart from that, I know that meetings with staff of Ministry of Family and Social Services regarding refugees were held in Kütahya and Van Offices. The scope of the project includes informatory meetings for public institutions as well as counselling and referral services for refugees.²⁶

Some of the senior protection staff have a wider role from preserving good relationships with the local authorities to staff wellbeing. For example, Respondent 2 states that:

²⁴ Yani çok inatçı olman gerekiyor, asla peşini bırakmaman gerekiyor çünkü yani bir şey için bir kuruma başvurdu hayır gelecek, ikinci defa başvurdu hayır gelecek. Ya bunu bırakmaman lazım, ya gerçekten yapabildiğin ölçüde tabii, dilediğimiz şeyle de yapamıyoruz da, o da kısıtlıyor. Yapabildiğimiz ölçüde peşine düşmek ve baş belası olmak gibi bir misyonumuz var aslında yani.

²⁵ Yani koruma bence mültecinin/sığınmacının kamudan alacağı hizmetleri kolaylaştırmak temelde. Hani tamam bizim verdiğimiz hizmetler de var, doğrudan verdiğimiz hizmetler de var. Fakat eğer kamu kurumlarıyla, iletişim kuracağı tüm kamu kurumlarıyla, Göç İdaresiyle, AÇSM ile arada bir facilitator görevi görmüyorsan çok böyle sade, steril bir koruma anlayışı bu ve bana uymaz.

²⁶ İlçe Milli Eğitimlerle ve İl Milli Eğitimlerle ee görüşmeler yapmıştık. Bu vardı, bunun dışında Kütahya ofisinde ve Van ofisinde yapıldığını bildiğim, ya benim bizzat yürütmediğim ama yapıldığını bildiğim gene Aile Bakanlığına bağlı kuruluşlardaki personellere yönelik bir bilgilendirme mülteci alanıyla ilgili toplantılar yapılmıştı. Bu şekilde, yani hem danışanlara yönelik bir ee danışmanlık ve yönlendirmeye ek olarak bilgilendirme toplantıları ve kamu kurumlarıyla, kamu kurum ve kuruluşlarıyla görüşmeler şeklinde aslında projenin kapsamı.

It is ensuring coordination of the personnel with human resources and between institutions- sorry not institutions, between the units. The biggest thing among them, again is indeed protection. Meanwhile, it is taking steps to ensure good communication of the association with the state, public institutions, other associations, and organizations, making institutional visits, organizing meetings. ... Frankly, it is not only thinking about well-being of refugees but also thinking about the well-being of the staff. ²⁷

To sum up, CSOs and protection staff has a role of burden sharing of the state's responsibility as well as the advocacy and pressuring the state institutions. However, given the political environment, CSOs are rather hesitant about advocacy and pressuring state institutions. In fact, this hesitation sometimes leads to transmission of the state's values of the government or finding alternative ways of pressuring such as speaking the language that the institutions understand.

5.1.2.4. Being accountable to the donor

Respecting the main principles of the CSO's and the donor institution as well as presenting annual reports and financial reports manuscripts transparently are important for accountability to donors. It is also among the duties of non-governmental organizations to practice transforming the funds they receive from donor organizations and partners into service in an accountable way. For instance, Respondent 22 stated that they reach their funding through partnerships and CSOs have to ensure that the service is delivered completely in an accountable manner.

It has been observed that it is among the duties of the protection officers and NGOs to inform the donor organizations about the progress of the project and whether the numbers aimed by the project have been reached. For example, Respondent 7 indicates that:

In addition to this, we started to do some project-based activities. What are those? A project has a determined target every year, target number. So have our Offices in our own regions met these targets? Are they left behind or not? Even though this is a responsibility of the project team, such support is expected from us. How many children that we achieved? How many of them were referred to special services? How much support did I provide? How was

²⁷ Personelin insan kaynakları ile olan, kurumlar arası, pardon kurumlar arası değil, birimler arası koordinasyonunu sağlamak. Yine bunların içerisindeki en büyük şey tabii ki koruma. Aynı zamanda derneğin ilde bulunan diğer devlet, kurum, kuruluş ve diğer derneklerle olan ilişkisinin iyi bir şekilde iletişiminin sağlanması yönünde adımlar atmak, kurum ziyaretleri yapmak, eğitimler düzenlemek. ... Sadece mültecilere yönelik değil aynı zamanda personelin de iyilik halini düşünmek açıkçası.

the quota of financial support filled or how should it be filled? Where should an exception be made? It is like determining needs of training and missions, inform project staff about these and getting involved in the planning process. At the same time, following reports of regional operations and analysis²⁸

As most of the projects of CSOs were funded by international donors, it is protection staff's and CSOs' responsibility to inform donor institutions about the progress in the projects, provide annual and monthly reports as well as respect the principles of the donor institutions.

5.1.2.5. Accessibility and Multidirectionality

Accessibility of NGOs for beneficiaries is assumed to be an important role of CSO's by the respondents. Respondents from Organisation A highlighted the fact that Organisation A is more accessible in terms of its field offices in the peripheries and other provinces of Turkey where other CSO's do not have. Moreover, it is observed by the respondents that because of its existence in peripheral cities, beneficiaries' accession to the state institutions through Organisation A become easier. For instance, Respondent 2 states that:

Not for Ankara but for a city in the periphery- Because there are so many associations and international organizations in Ankara or Antep- but peripheral cities are different. Provincial Directorate of Migration Management or Provincial Directorate of Family and Social Services or police force does not apply to Organisation A and apply to us firstly. Because they know us, they work with us and they know which field that we work in.²⁹

In terms of multidirectionality, It was emphasized by the respondents that since the problems of the applicants were not monolithic, multifaceted solutions should be produced for multifaceted problems. For example, Respondent 7 indicates that:

²⁸ bunun yanında da projesel bazı işler yapmaya başladık. Nedir bunlar? Bir projenin her sene belirlenen bir hedefi olur. Hedef sayısı. ofislerimiz Yani kendi bölgelerimizdeki ofislerimiz bu sayılara ulaştı mı? İşte geride kaldılar mı, kalmadılar mı? Her ne kadar bu görev aslında yazılı anlamda proje ekibinin görevi olsa da bizden beklenen böyle bir destek mevcut. Kaç çocuk kaldık? Kaçını özel servise yönlendirdik? Kaç tane yardım yaptım? Yardım kotası Nasıl dolduruldu? Ya da nasıl doldurulmalı? Nerede istisnanın yapılmalı?... Eğitim ve misyon ihtiyaçlarını tespit edip bunu gene proje sorumlularına ilettikten sonra bunun planlamasına dahil olma gibi. Aynı zamanda bölgesel hareketlerin raporlarını analizlerini takip etmek.

²⁹ Ankara için değil de periperdeki bir il için, çünkü Ankara'da veya Antep'te bu çok dernek var ve international organizasyonlar var. ama diğer periperdeki ilde İl Göç İdaresi veya işte ASPİM ve ya bir kolluk kuvveti A derneğine gitmiyor da gelip ilk olarak bize gelmesi bile bunun bir kanıtı. Çünkü bizi tanıyorlar. Bizimle iş yapıyorlar, hangi alanda çalıştığımızı biliyorlar.

When you look at the perspective of needs and problems of children multifaceted problems and solutions are needed. Therefore, multidirectionality solutions are required in the large centres- even if the problem is not permanent or even temporary. In the simplest term, a child who cannot go to school is not only a child who cannot go to school. Financial problem is not the only issue. Domestic abuse or bullying is not their only problem. All of these are related to each other. So, in such a project, there should be a psychologist who will interview the child, a social worker for following the case, youth workers to support mother and include children into social activities, an outreach team that will visit neighbourhoods for the families and children who cannot visit the centre, all together.³⁰

Being accessible to the refugees is another role of CSOs. Accessibility was emphasized as having field offices in satellite cities and providing service in periphery cities. In such cities, state institutions cooperate more with CSOs. Multidirectionality were highlighted another role of CSOs as beneficiaries has multiple problems that are overlapping and offices of CSOs with different projects and aims can provide multiple solutions to their problems. However, it was also stated that CSOs with fewer offices have the lack of providing multiple services. Organisation A identified as one of the CSOs that able to provide accessibility and multidirectionality with its multiple projects and offices in the periphery.

5.1.2.6. What basis of Protection?

Civil society organizations can carry out their work with different approaches such as rights-based, need-based or philanthropic-oriented. In the needs-based approach, it is aimed to help marginalized, disadvantaged individuals and groups to eliminate the problems they face urgently, or to provide additional resources. According to the definition used by the United Nations, “human rights-based approach” is a conceptual framework that is based on international human rights standards in principle and aims to support and protect human rights in practice.

³⁰ Çocuklarının ihtiyaçları ve çocukların problemleri olarak baktığımızda çok yönlü sorunlar ve çok yönlü cevaplar gerekiyor. Dolayısıyla büyük merkezlerde ancak bu sorunun kalıcı olmasa bile hatta geçici olarak cevap vermek için bile çoklu yanıt vermek gerekiyor. En basitinden okula gidemeyen bir çocuk sadece okula gidemeyen bir çocuk değil. Sadece maddi sıkıntısı yok. Sadece aile içinde gördüğü istismar sıkıntısı yok. Ya da sadece toplumda gördüğü akran zorbalığı yok. Bunların hepsi birbiriyle girift halde devam ediyor. Dolayısıyla böyle bir projede hem çocukla görüşme yapacak bir psikologun, hem dosya takip edecek bir sosyal çalışmacının Hem anneyi destekleyecek ve çocukları orada çeşitli sosyal aktivitelere dahil edecek gençlik çalışanlarının, hem mahallelerine, oraya gelemeyecek olan aileler ve diğer çocuklar için mahallelerine gidecek bir outreach ekibinin olduğu oldukça büyük bir ekip

Answers of the respondent regarding what basis of protection is implemented in their CSO's varied. Whilst most of the respondent highlighted that it is needs-based approach, some of them emphasised a hybrid type of approach consisting of a mixture of rights-based approach and needs-based approach.

It is stated by the respondents that in order to move towards a rights-based approach, certain amounts of needs need to be met. Although a needs-based approach carried out during the first year of the Refugee Crisis, owing to the fact that beneficiaries are still in need of financial needs and urgent security measures, a needs-based approach still carries out the majority of CSO's work. For instance, Respondent 6 stated that:

During the first period of the crisis, it was focused on basic needs. First, we have to accept this. But now, after this crisis was somehow managed, when we think about a Turkey with settled refugees it has to be focused more on rights-based protection. We should monitor the rights because before that there was no regulation or law. There wasn't even a separate institution for them. Therefore, rights were given gradually. It actually focuses on the implementation of these laws and their ability to have this awareness.³¹

In fact, it is emphasised by some of the respondents that some of the CSO's would lose their function if needs based approach would be abandoned. For example, Respondent 4 stated that:

Definitely needs based protection is being made. I think Organisation A would lose its function if it didn't have budget. Because refugees need financial support. This the most important lesson that I've learned in this field. Of course, other projects including legal counselling, social counselling, psychological counselling are absolutely necessary but an association that provides only these cannot sustain.³²

³¹ Kriz geldiğinde, geldiği sıralarda temel ihtiyaçlar odaklıydı bir kere. Öncelikle bunu bir kabul etmek lazım artık. Ama artık o kriz bir şekilde. bir biçimde yönetildikten sonra da daha yerleşmiş mültecilerin olduğu bir Türkiye'yi düşünürsek daha çok hak temelde bir koruma olması gerekiyor. Hakları üzerinden ilerleyen, çünkü yani öncesinde bundan önce bir kanunları, bir yönetmelikleri dahi yoktu. Onlara ayrı bir kurum bile yoktu. Dolayısı haklar yavaş yavaş aslında verilmeye başlandı. Dolayısıyla O hakların sadece yürürlüğe girmesi, girebilmesi ve onların da bu farkındalığa sahip olabilmeleri odaklı Aslında.

³² Kesinlikle ihtiyaç temel koruma yapılıyor. Zaten Organizasyon A'nın bütçesi olmasa işlevini yitirir diye düşünüyorum. Çünkü mültecilerin maddiyata ihtiyacı var. Benim mülteci alanında öğrendiğim , en büyük ders budur. tamam. Bir sürü başka başka projeler; işte hukuki danışmanlık, sosyal danışmanlık, psikolojik danışmanlık falan okey kesinlikle gerekli ama. Sadece onların olduğu bir dernek de sürdürüyor

Another reason why a rights-based approach cannot be adopted is the fact that rights based approach presents more durable solutions in theory however, durable solutions cannot be provided to asylum seekers and refugees in the context of Turkey due to the regulations. Ros Example Respondent 16 stated that:

Unfortunately, we cannot always provide the standards of this rights-based approach for applicants, as we do protection under the conditions of Turkey. What is this? I mean, you inform people about their rights and in the long term you can provide a durable solution by ensuring they enjoy these rights on rather than providing one time support and let this person go. However, in Turkey, it is not very possible to find a durable solution in any way.³³

Respondents who emphasize hybrid approach, emphasize that the type of approach may vary from case to case or the purpose of the project. For instance, Respondent 7 states that:

I think it is mixed. Because people are confused. There are so many projects. So many projects means there are many different donors. Different donors mean very different goals. This is something both good and confusing. On one hand, there is a project on improving livelihood, there is another project that focus on MHPSS, on the other hand there is a project that works on enhancing justice mechanism. It is actually very right based program. It concentrates on advocating, on policymaking, increasing the capacity. On the other hand, there are projects that focus on only increasing the capacity. Thus, there is little of all or none of all.³⁴

Respondent 3 stated that while a need-based approach was adopted on a beneficiary basis, a right-based approach was adopted on the basis of institution and policy making:

We provide needs-based protection; it's like that everywhere in this field. After providing needs-based protection, we provide rights-based protection according to whatever rights emerge in it. I mean it is mostly needs based, if

³³ Çünkü Türkiye şartlarında koruma yaptığımız için maalesef her zaman Bu hak temelli yaklaşımın standartlarını danışanlar için sağlayamıyoruz. Nedir bu? Yani tamam insanlara haklarını anlatırsın ve uzun sürece yaydığında kişiyi bir seferlik yardım yapıp o kişiyi salmaktan ziyade ona haklarını anlatıp, onun haklarına ulaşmasını sağlayıp ,düzenli bir hani sürekli bir çözüm bulma temeline dayanıyor. Ama Türkiye'de herhangi bir şekilde sürekli çözüm bulmanın pek bir yolu yok.

³⁴ Bence ortaya karışık yani. Çünkü kafalar karışık. Çünkü çok fazla proje var. Çok fazla projeye beraber çok farklı donör demek. Çok farklı donör demek çok farklı amaçlar demek. Çok farklı şeyde hem iyi bir şey. bu anlamda kafa karıştırıcı bir şey yani. Yani livelihood arttıran proje yaparken bir yandan MHPSS projesi var, bir yandan bakıyorsun adalet mekanizmalarını güçlendirme projesi var. Bayağı hak temelli bir program aslında. Advocacy yapmaya, policymaking iapmaya, kapasite arttırmaya yönelik. Bir yandan kapasite geliştirici sadece projeler var. Dolayısıyla hepsinden biraz var ya da hepsinden biraz yok.

we think on applicant basis. However, if we think in terms of politics, I can speak on behalf of my institution, I start with need and move towards to rights. During the institutional meetings, we move to rights-based approach as a social policy. This was what our head of branch told us: ‘When you talk to an institution, you will approach based on rights, this is what refugee right is.’³⁵

The confusion can be easily seen based on the view of the applicants. Respondents agree on the fact that the rights-based approach is their main purpose however, due to the multiple projects with different aims and their mostly demanded financial provision, needs-based approach is implemented. Although UNHCR promotes rights-based approach for its indirect involvement to protection through CSOs, mostly needs-based approach is implemented in the field. Moreover, it was emphasised that whilst often rights based approach and needs based approach complement each other, due to the chronic poverty and the shortcomings of the services, needs based approach is widely used by the CSOs.

5.1.2.7. Protection in the Joint Registration

In this subtitle, protection procedures are analysed through the experience of the protection staff and their view of the joint registration procedures and its effect on protection of asylum seekers and refugees is examined. Through the analysis three subgroups came into sight: First subgroup is assessment and protection opportunity; second subgroup is providing a neutral zone to the beneficiaries and third subgroup is city referral and follow up opportunity.

Until September 2018 UNHCR held the joint registration procedure with DGMM and its implementing partner ASAM. Before 2018, a “parallel procedure” arrangement between the DGMM and UNHCR was applied. In this procedure, UNHCR and its implementing partner SGDD-ASAM carried out registrations of international protection applicants and directed them to “satellite cities” in order to submit their applications to Provincial Directorate of Migration Management

³⁵ Biz ihtiyaç temelli koruma yaparız, ya bu sahadaki her yerde böyle, ihtiyaç temelli koruma yaparız. İhtiyaç temelli koruma yaptıktan sonra içindeki çıkan haklar neyse ona göre de hak koruması yaparız. Yani ilk aldığımız her zaman ihtiyaç temelli oluyor danışan bazlı düşünürsek. Ama biraz politika çerçevesinde düşünürsek de, yani kendi kurumum adına bunu söyleyeyim, danışan bazlıda ihtiyacı alır, ihtiyaçla başlar haka doğru yönelirim. Kurum görüşmesinde de direkt hak olarak, yani sosyal bir politika olarak bunların hakkı da budur, hak temelli yaklaşıma geçeriz. Yani biz direkt Şube Başkanımız da olsun direkt yani bize söylediği şeydi: “Kurumla konuştuğunuz zaman hak temelli yaklaşacaksınız işte mülteci hakkı budur.

Offices. UNHCR on 10 September 2018 in Turkey announced the end of registration activities and transferred them to DGMM³⁶.

According to the respondents who were a part of the joint registration procedure, the protection procedure during the registration process was as follows: First, the personal information of the people who came to the registration point was taken by the translators and pre-interviewers. After the interview was received by the pre-interviewer, those with protection concerns were filtered out and conveyed to the protection team for protection assessment and further actions. After the registration to UNHCR, all applicants were conveyed to the satellite cities determined by the DGMM that day for registration to the Turkish authorities according to protection concerns.

Assessment is one of the main steps that are effective in understanding whether the applicant has any protection concerns so that actions regarding the protection concern can be taken. Respondents stated that during the joint registration procedure with UNHCR and DGMM, it was easier to identify the people who have protection needs due to several reasons: First of all each applicant who wish to apply to international protection was assess by the protection team due to the fact that first stage of the registration was to UNHCR. Therefore, it was easier to identify each applicant's protection needs. Furthermore, considering the assessment of the applicant was conducted by the protection team, case management had started before the applicant was conveyed to their satellite city. For instance, Respondent 2 explains the registration procedure as:

Applicants, firstly, were asked short, basic and transpicous questions about why they came, where they came from and how they came to the accompaniment of translators. In this context, were were checking registration of people who came every day. There are standardized specific needs codes that are determined by UNCHR... If the person who wants to apply for international protection had these specific needs, were were taking first steps based on these codes such as learning more about these specific needs, making necessary referrals, taking first actions, making referrals to cities if necessary and then we were following the case. ... After the elimination of pre-interview and it is decided to provide protection to the

³⁶ <https://help.unhcr.org/turkey/tr/information-for-non-syrians/registration-rsd-with-unhcr/#:~:text=UNHCR%2C%2010%20Eylül%202018%20tarihi,statüsü%20belirleme%20işlemlerin e%20son%20vermiştir.>

case, we were discussing with the person, planning the case, thinking about which city they will be sent to, helping them to arrive referred city.³⁷

In regarding to the views of protection in the registration procedure Respondent 19 indicates that:

There is only one NGO that UNCHR received support during the registration process. Therefore, the colleagues in the registry received the answers to the questions that should be asked according to specific needs codes during registration. If there was a vulnerability, protection officers interviewed and intervened urgently, if necessary. So, I can say protection started from registration. This is very relevant to perspective of social services. It has to come to you. First, you need to see, you have to get to know so that you can identify.³⁸

In short, the fact that the registration process is in the hands of CSOs has made a significant contribution to the protection activities. Evaluating every non-Syrian refugee coming to Turkey at the registration stage, this made it easier to do an assessment and then follow up on the cases.

As it is mentioned above, the UNHCR registration point was the first stop for the beneficiaries who wish to apply for international protection. Respondents highlighted the fact that UNHCR registration provided a neutral starting point to the applicants for several reasons: Initially, the first step of registration and the following assessment and protection actions was made by an unbiased institution which provided a neutral zone for the applicants. Respondent 4 indicates that:

I think it was important for the beneficiary. Why was it important? Because they were first dealing with non-state institution, they were informed by a

³⁷ Gelen danışanlar öncelikle tercüman arkadaşlar eşliğinde neden geldiklerini ve nereden geldiklerini, nasıl geldiklerine dair kısa, basic, Hızlı bir şekilde anlayabileceği sorular soruyorlardı. Bu bağlamda biz de hergün gelen kişilerin kaydını kontrol ediyorduk. Check diyorduk. Bazı UNHCR'ın belirlenmiş olduğu Bazı hassasiyet kodları var. ... Bu kodlara istinaden bizde de eğer gelen kişi, uluslararası koruma başvurusu yapmak isteyen kişi, de bu hassasiyetler varsa. Bu hassasiyetleri daha detaylı öğrenmek, gerekli yönlendirmeyi yapmak, ilk aksiyonları almak, gerekirse İline göre yönlendirme yapmak gibi ilk adımları atıp daha sonra vakayı takip ediyorduk. ... Ön görüşmeden elenip elenip hani gerçekten evet bu korumalık bir vaka dedikten sonra oturup onunla görüşmek ve o vakayı planlamak, hangi ile göndereceğine kadar düşünmek, kişinin birçok basamağı, birçok zorluğu aşarak zaten iline gitmiş olmasına yardımcı olmak demekti.

³⁸ BMMYK'nın kayıt sürecini yürütürken destek aldığı zaten tek bir NGO var. Dolayısıyla o kayıt sürecini de orada yaratılırken o kayıta işte hassasiyet kodlarına göre sorulması gereken sorular Kayıttaki arkadaşlar tarafından alınır. bir hassasiyet varsa korumacılar görüşür. korumacılar da acil müdahale edilmesi gereken bir şey varsa acil bir şekilde müdahale ederler. Böyle bir şey vardı. Yani koruma kayıttan başladı diyebilirim. bu sosyal hizmet perspektifiyle de çok alakalı. Sana gelmesi lazım. Başta bir gormen lazım, bir tanıman lazım ki identify edesin.

more neutral zone, there was a better orientation in terms of city balance – not to accumulate applicants into one city, earlier realisation of whether there is loss of a right or not. It was very useful to determine vulnerabilities earlier for preventing the family from traumatizing more.³⁹

Secondly, the fact that the first institution people encountered after entering the country was a non-government institution, dismissed the person from the reservations given by the government institution. For instance, Respondent 11 mentioned that:

Answers they received from social advisors to their questions are very limited. Sometimes, they are hesitated to even ask questions. Because they are faced to public officers and the authority of this public officer is intimidating for refugees. Because public officers may start the process of deportation. They are faced to public officers. Therefore, starting first step from there presents something different for refugees.⁴⁰

Thirdly, as a result of the experience and knowledge of the UNHCR, CSO staff trained by UNHCR in registration and preservation were more capable of detecting situations that needed extra attention than the government employees. For instance, Respondent 13 stated that:

This is a crisis and actually action was taken very quickly. Organisation A created its protection team very fast, for example, or as an implementing partner created registration team very fast. It is debatable whether qualified employees were selected but still it was better when you compare with Migration Management. Migration Management officers were public officers and they were transferred from other directorates or ministries and they didn't have any experience on migration, they didn't have any knowledge and they were struggling. ... We were like mediator for refugees.⁴¹

³⁹ Danışan açısından bence önemliydi, neden önemliydi? Çünkü devlet tarafı... Yani Devlet olmayan bir kurumla ilk önce muhatap olmaları, daha neutral bir zone'da bilgi almaları yöntemlerinden hani bunların tanıtılması, şehir dengesi açısından daha düzgün bir yönlendirme yapılması, bir şehre yığılma olmaması, hak kaybının daha erkenden tespit edilmesi, hassasiyetlerin daha erken tespit edilip en baştan ailenin daha fazla kişinin travmatize olmasının önlenmesi açısından bence çok faydalı bir şeydi.

⁴⁰ Göç idaresinden aldıkları sosyal danışmanların veya sorularına alabildikleri cevaplar çok kısıtlı. Bazen soru sormaya dahi çekiniyor insanlar. Çünkü karşılarında kamu görevi var ve bu kamu görevlisinin yetkisi o mültecinin gözünde iyice büyüyor. Çünkü o kişiyi deport edebilecek, sınır dışı edilebilecek şeyleri, işlemleri başlatabiliriz. Karşısındaki kamu görevlisi. Dolayısıyla ilk adım oradan başlaması mülteci için daha farklı bir şey sunuyor. Başlangıç sunuyor

⁴¹ bu bir kriz ve krizde aslında çok hızlı hareket etti Organizasyon A, işte koruma ekibini hızlı oluşturdu, ne bileyim kayıt ekibini hızlı oluşturdu uygulama ortağı olarak hani, tamam çok yetkili ve kalifiye elemanlar mı seçti orası tartışılır ama yine de Göç İdaresi'ne nazaran, Göç İdaresi'ndeki çalışanlar sonuçta devlet memuru ve devlet memurları diğer bakanlıklardan ya da diğer müdürlüklerden geçmeler olduğu için hani işte ne bileyim Maliyeden geçmiş Göç İdaresi'nde şu an,

During the joint registration procedure there was a mechanism that progressed towards the coordination of the migration administration from the centre to the countryside regarding the capacity of the cities. Respondents emphasised the importance of city referrals to protection for several reasons: Firstly, Respondent 12 explained that knowing the capacity of cities makes it easier to make city referral:

At least we had the list of the cities that are open for registration. We were much more comfortable about referrals. I mean, we had an idea whether our beneficiaries would be registered or not when they go to city A. We knew the capacity of that city. We knew whether people are going to be registered or not. We knew if they will be prioritized or not. There is no such thing now.⁴²

Secondly, city referrals for the people with specific protection concerns such as belonging to LGBTI+ community, was possible to choose the city according to the protection need. Respondent 4 stated that:

Moreover, we were able to refer beneficiaries –especially those are LGBTI+- to the cities that their families or friends are registered in, even if these families are heterosexual and the cities are closed to registration. For example, Eskişehir is closed for registration but if the person has a family registered there, it was possible to register them too. Because they need to go to Eskişehir. If they go to another city like Çorum that will cause many problems for an LGBTI+ person. They cannot live in Yozgat, maybe they won't be able to rent a flat even. So there was something that we create this.⁴³

Thirdly, city referrals were conducted according to the density of the CSO's and the community of the applicant within the city. In this way, both community-based protection was facilitated, and cases could be followed by non-governmental organizations in that city. For instance, respondent 11 stated that:

During this activity, if the registration officer saw a serious concern, they would notify protection unit and protection unit would inform the office that

hani herhangi bir, göçle alakalı herhangi bir deneyimi yok, herhangi bir bilgisi yok ve zorlanıyorlardı... Biz aracı gibiydik çünkü mülteciler için.

⁴² Hiç yoktan bizim elimizde açık iller listesi oluyordu. Yönlendirme konusunda çok daha rahat hareket edebiliyorduk. Yani Danışmanın A şehrine gittiği zaman orada kayıt olup olmayacağı konusunda bizim fikrimiz oluyordu. O şehrin, kapasitesini biliyorduk. Kayıt alıp almayacağını biliyorduk. Önceliklendirip, önceliklendirmeyeceğini biliyorduk. Şimdi öyle bir durum yok.

⁴³ Bir de o kayıt zamanın şey yapabiliyorduk. Danışanların -özellikle LGBTI+lar için söyleyeceğim bunu- ailesi varsa orada ya da işte yakın bir aile, heteroseksüel dosyalar gidiyordu o şeye kapalı olsa bile. Şehre. Eskişehir kapalı ama ailesi varsa gidiyor. Ama eskişehire gitmesi lazım. Çünkü o an başka bir şehre gitse- hani Çorum'a gidemez bir LGBTI+ danışan- gitse de çok kötü bir hayat yaşar. Yozgat'ta yaşayamaz, barınamaz. Ev bile tutamaz belki. O yüzden onu yaratabildiğimiz bir şey vardı.

the person will be referred to after an interview was made. It's like this person visited our Office at this date, such interview was made, and person needs these things and will visit your Office on this date. This was making follow up process easier. Because this kind of starting point was not only helping people to avoid explaining their problems over and over again but also facilitating follow up procedure by providing preliminary information to other Offices.⁴⁴

Overall, DGMM, UNHCR and its implementing partner ASAM held parallel registration until September 2018. As it was mentioned in the chapter 3, registration is one of the principles of UNHCR's protection understanding. In some states, where the capacity of state is not adequate for registration, UNHCR can proceed registration on behalf of the state such as in Turkey. When the state capacity is able to fulfil the registration, UNHCR phases out of the process. However, in the case of registration of the international applicant in Turkey, respondents stated that registration by UNHCR provided more neutral zone for the refugees because of the fact that the first institution the refugees faced was an independent authority instead of state. Therefore, applicants were less hesitant about revealing their cause of asylum and their protection needs. Moreover, it was highlighted that the protection staff in the UNHCR and ASAM were more trained in protection and therefore the assessments were conducted accurately. One of the most mentioned significance of the parallel registration was the ability of city referrals by the protection staff. Through the city referrals, refugees were transferred to the cities according to their protection concern.

5.1.3. Structure of protection in CSO's

In this subtitle, structure of protection and way to implement protection were analysed through the experiences of the protection staff. This subtitle answers the multiple research question such as how is protection being applied in Ankara by the CSOs as well as the question of how to understand the protection procedures in Turkey. A case management scheme with 6 main steps of case management was

⁴⁴ Yani bu faaliyet sırasında kayıt personeli eğer bir ciddi bir endişe görürse, koruma birimine haber veriyordu ve koruma birimi bir görüşme gerçekleştirip kişinin yönlendirmesi yapıldıktan sonra da yönlendirileceği ofisi bilgilendiriyordu. İşte şu kişi şu tarihte ofisimize gelmiştir, böyle bir görüşme gerçekleştirilmiştir, kişinin şu şu şu ihtiyaçları vardır, şu tarihte ofisinize gelecektir şeklinde bir ön bilgi verildiğinde o ofisin takip etmesi de çok daha kolay oluyordu. Çünkü böyle bir başlangıç aşaması hem danışanı tekrar tekrar kendi problemlerini anlatmaktan kurtarıyordu hem de hani o vakayı takip edecek ofise bir ön bilgi sağlayarak hani onların takibini kolaylaştırıyordu.

shown to the respondents together with questions regarding the implementation of case management. In addition to the 6 steps of case management, the Monitoring and Evaluation step was also added to the scheme. Based on the answers formulated from the scheme, 4 subgroups emerged: First one is vulnerability and risk groups and how to identify specific needs as well as most encountered specific needs based on the experiences of the respondents. Second subgroup is regarding the experience of case management, its relationship with protection and the difference between the ideal case management scheme that was shown to the respondents and the case management scheme that is used in practice. Lastly, the third subgroup is about the experiences of protection staff on supervision and how they implement and receive it as a part of standard protection operation procedure.

5.1.3.1. Vulnerability and Risk Groups

Persons with high risks, often known as "people with special needs," who encounter specific challenges due to discrimination, their identity, or other circumstances that keep them from fully exercising their rights or receiving the assistance they require. According to the FIPL, person with specific needs described as among the applicants and persons with international protection status; Unaccompanied child, disabled, elderly, pregnant, single parent with a child or a person who has been subjected to torture, sexual assault or other serious psychological, physical or sexual violence (FIPL, 2013).

Experiences has shown that these criterias do not meet all those in need, and therefore, more standardized, and comprehensive Specific Needs groups prepared by UNHCR are used by NGOs and CSOs. For example, Respondent 15 states regarding the incompatibility of the description of the person with specific needs in the FIPL as:

Well, actually people with special needs is defined in the law too. There are groups such as disable people, elderly, single women, children, specific children like unaccompanied children. We actually interpret specific needs groups as vulnerable or disadvantaged groups. Mainly because of their situation. The law defines specific needs like that but it is important to keep in mind that not every single woman or disabled person, elderly etc has

specific needs. Therefore, it is necessary to conduct interviews in order to identify people.⁴⁵

According to the responses of the interviewees, several identifications of specific needs methods have been analysed. Firstly, protection staff can detect specific needs of the person of concern during the identification and assessment step. Factors in determining this may be the person's statement, physical condition or the interview skills of the protection staff. For instance, Respondent 7 stated regarding observable and non-observable specific needs that:

There are observable, visible vulnerabilities. These are generally things that are visible like health, single woman, unaccompanied child or people who are noticeably exposed to violence. When it comes to observable situations, these cases are being prioritized and followed. Apart from that, when the person is registered or visit for counselling and the specific needs are mentioned we report the situation according to UNHCR's specific needs codes after a detailed interview is made.⁴⁶

Respondent 5 highlighted the fact that not all questions might reveal the specific protection needs or the applicant is not aware of the situation that needs protection.

Therefore, it is important to proceed an interview that reveals what is unrevealed:

When some applicants talk about the problems of their friend, we say 'We need to talk with that person' because we maintain the process with person's own statement. Because person who told us this might be someone who will abuse this person after all. Therefore, asking only if they were subjected to sexual violence is not enough because you need to clarify that. When you ask something like 'Is your spouse forcing you to have sexual intercourse with them?' the answers you'll get are different. So, this is how you determine this. The definition of it is this: There are, of course, some definitions. It's universal, but how you reveal it is important. That road becomes more

⁴⁵ Şimdi aslında yasada da tanımlanan Özel ihtiyaç sahibi diye bir şey var. Gruplar var. Engelliler, yaşlılar, yalnız kadınlar, çocuklar, bazı çocuklar, refakatsiz çocuklar gibi gibi. Aslında biz bu bahsettiğim özel ihtiyaç sahibi grupları şey olarak yorumluyoruz hani. İşte hassas dezavantajlı grup gibi yorumluyoruz. Esasında buldukları durumdan dolayı. Kişi sadece böyleyse de bu şekilde değerlendirebiliriz. Ancak bu özel ihtiyacı bu şekilde tanımlıyor yasa ama yani şunu da düşünmek lazım. Her yalnız kadın, özel ihtiyaç sahibi kadın da değil tabii ki. Ya da her engelli ihtiyaç sahibi olmayabilir. Her Yaşlı vs. dolayısıyla tanımlamaları yapabilmek için görüşmeler yapmak lazım.

⁴⁶ Gözlemlenebilir, dışarıdan görünebilir hassasiyetler var. [00:30:31] Bunlar genelde sağlık, yalnız kadın, refakatsiz çocuk gibi görebildiğimiz ya da şiddete uğradığı aşık olan kişiler için gözlemleyebildiğimiz şeyler. zaten dışarıdan gözlemlenebilir durumlar olduğunda bu dosyalar öncelenecek takip ediliyor. Onun dışında kişinin kaydı alınırken veya danışmaya geldiğinde kendisinin bir şekilde bunu aktardığı durumlarda, özel ve daha detaylı bir görüşme olarak tam olarak kaçtane Mesela UNHCR'in kılavuzuna göre hassasiyet olduğu, Bazen hassasiyetin alt başlığı olduğunu hatta , kaç tane alt başlığına durumun içerdiğini tespit ederek bu görüşme sonrasında raporlama yapıyoruz.

important, more valuable. Or their own statement...The important thing is to take the statement as a basis. But that statement may not be enough sometimes because it is shaped in line with the questions you ask.⁴⁷

Secondly, UNHCR's Standardized Specific Needs Codes were used by every protection staff member during the identification and assessment process. UNHCR's Standardised Specific Needs Codes also guide the protection staff to which cases they should prioritise in terms of case plan implementation. For instance, Respondent 12 stated that:

We prioritise beneficiaries in terms of risk levels. Prioritise is important in this sense: if their urgent actions need to be taken, I mean applying to police force, women's shelter or a life-threatening situation is in question, it is important to prioritise accordingly in order to avoid negative consequences. Apart from that, we have prioritised in terms of vulnerabilities.⁴⁸

Some of the respondents stated that there are some cases in which the specific needs of the applicants do not comply with the actual needs of the applicant. For example, LGBTI+ applicants are included in the marginalized from society category and do not have the same needs as others in this category. For instance, Respondent 6 stated that:

Of course, there are times when we think we cannot explain people's vulnerability with that code, I believe it doesn't quite suit to that category. I think they were updating the codes. if I remember correctly. Therefore, I can't say they fully comply... For example, the LGBTI category is identified under the category of marginalized from society or community, but I think it doesn't suit to LGBTI individuals. Since this is also an identity, there should be a separate category for this.⁴⁹

⁴⁷ Çünkü biz daha çok kişinin kendi beyanıyla iş yaptığımız için bir arkadaşı gelip bizde şöyle biri var dediği zaman "Bizim o kişiyle görüşme yapmamız lazım" diyoruz. Çünkü belki hani bunu bize söyleyen kişi de o kişiyi istismar edecek birisi olabilir sonuçta diye. Dolayısıyla hani orada cinsel bir şiddete maruz kaldın mı? Demek sadece. yeterli asla olmayacak çünkü onu açmanlazım. Çünkü tecavuz şeyi tanımını çok başka o kişide. Ama "Eşin seninle zorla birlikte olmuyor mu?" gibi bir şey sorduğunda alacağımız cevap daha başka oluyor. Dolayısıyla bu iki iki daha dört böyle tespit edersin. Bunun tanımını şudur. Bazı tanımları elbette ki var. Evrensel olanı ama sen bunu nasıl ortaya çıkardığın önemli aslında. O yol daha çok önemli, daha kıymetli oluyor. Ya da kendi beyanı.. Önemli olan beyanı esas almak zaten. Ama o işte o beyanı söylediğinde senin sorduğu sorular doğrultusuna şekillendiği için o beyan da bazen yeterli olmayabiliyor.

⁴⁸ danışanları risk seviyesine göre...önceliklendiriyoruz. önceliklendirme şu anlamda önemli. Acil olarak alınması gereken aksiyonlar varsa, yani bir kolluk kuvvetine başvurmak, sığınma evine yerleştirmek, İşte hayati bir tehlike söz konusuysa, buna göre önceliklendirme yapmak mühim. Olası sonuçlardan kaçınmabilmek adına. kötü sonuçlardan kaçınmabilmek adına. Onun dışında hassasiyetlere göre önceliklendirdiğimiz var

⁴⁹ Yaşadığı hassasiyeti o kodla anlatamadığımızı düşündüğümüz, tam o kategoriye girmediğini düşündüğüm aslında oluyor tabii ki. O yüzden onunla ilgili bir güncelleştirme çalışmaları vardı.

Considering the UNHCR's Standardized Specific Needs Codes, participants stated that unmet basic needs and lack of income is one of the most encountered vulnerabilities due to the chronic poverty among the applicants. Apart from the lack of basic income and unmet basic needs, child related vulnerabilities such as child at risk, unaccompanied and separated children, child labour and being ex-minor were among the most common specific needs. Sexual and gender based violated risks, medical needs and legal needs were also among the most encountered risks. It is also important to emphasize that applicants may hold multiple risks. For example, Respondent 15 stated that:

We observe that most encountered needs are shelter and food. The fundamental problem is people do not have enough income to reach minimum living standards. This is something we see very often but we also can encounter multi disadvantages. For example, someone who cannot reach minimum living standards is also being threatened by her husband. Here, we see a person with multi disadvantages.⁵⁰

Moreover, it is observed that one vulnerability may lead to the other vulnerability such as "child engaged in form of labour" might bring "child at risk of not attending school". For instance, Respondent 15 indicates that:

The second problem is child labour – I don't know how well I'm listing this but child labour is widespread. We see those children out of school are very common. In other words, we observe that gender-based violence is very common.⁵¹

Respondent 11 stated the following regarding the code of "Sexual and Gender Based Violence" being the most encountered risks:

Yanlış hatırlamıyorsam. Dolayısıyla tam olarak karşılıyor mu diyemem. ... Bunun gibi var aslında ama. Mesela LGBTI kategorisi için işte en çok zorlandığımız toplumda ötekileştirilmiş kategorisi. Bence LGBTI bireyler için yeterli olmayabiliyor. Bunun ayrıca bir identity olması dolayısıyla bunun bence ayrı bir kategori olması lazım

⁵⁰ En çok karşılaştığımız şey aslında temel barınma ve gıda ihtiyacının karşılanmasında problemler olduğunu gözlemliyoruz. Aslında en temel sıkıntı da burada asgari yaşam düzeyine erişim için yeterli gelirin olmaması, kişilerin. Bu çok sık karşılaştığımız bir şey ama bu noktada çoklu dezavantajlı durumlar görebiliyoruz. İşte bu yani kişi hem yaşamsal faaliyetlerini sürdürebilecek gelire sahip değilken aynı zamanda eski eşi tarafından tehdit ediliyor. Örneğin burada birkaç dezavantaja sahip kişiyi görmüş oluyoruz.

⁵¹ Bir ikinci problem çocuk işçiliğe -yani sıralamayla ne kadar doğru yapıyorum bilmiyorum ama- çocuk işçiliğin yaygın olduğunu görüyoruz. Okul dışı kalmış çocukların çok yaygın olduğunu görüyoruz. Yani cinsiyete dayalı şiddetin çok yaygın olduğunu görüyoruz. Bunları söyleyebilirim

The most common problem we encounter and try to find a solution for is security problem. To be precise, women and girls fleeing domestic violence or gender-based violence come first among the security problems. Therefore, protection activities mostly require working in cooperation since we can't ensure physical protection. The main service that we provide is counselling for both domestic violence and violence against children.⁵²

Due to the registration issues of the international protection applicants and rejection of internal protection applications, "specific legal needs" and "no legal document" risks were also common vulnerabilities. For instance, Respondent 16 stated that:

Legal problems are of course very popular among international protection applicants. As lawyers we mostly deal with rejection of international protection applications, deportation procedures and legal problems that they are facing here. Lack of registration is a really serious problem because after the rejection of the application their ID cards are being cancelled and people continue to live in Turkey without registration until their lawsuit and deportation process are completed.⁵³

Another most common vulnerability is the "serious medical condition, "chronic illness" and "other medical condition". These needs have begun to be identified more often as the health insurance of IP applicants is closed within a year. For instance, Respondent 6 stated that the most unresolved specific need is medical condition and number of beneficiaries with medical condition is increasing day by day due to the regulations in FIPL.

In brief, specific needs codes are used by the CSOs in order to build a common understanding within the migration field and to provide a better needs assessment throughout the specific needs of the people of concern. UNHCR's specific need codes are widely used within the CSOs that respondents are working in. However, it

⁵² En sık karşılaştığımız ve en sık çözüm bulmaya çalıştığımız problem güvenlik problemi olduğunu söylemiştim. O güvenlik problemini biraz açmak gerekirse aile içi şiddetten veya toplumsal cinsiyete dayalı şiddetten kaçan kadınlar ve kız çocukları başta geliyor bu güvenlik problemlerinde en başta. Dolayısıyla hani bu koruma faaliyeti ya buradaki fiziksel korumayı bizim sağlayamamızdan dolayı zaten çok işbirliği içinde çalışmamız gereken bir konu bu da. Şiddet şey yani işte hem aile içi şiddet hem de işte şey konusunda işte çocuğa yönelik şiddet konusunda aslında temel sağladığımız hizmet danışmanlık.

⁵³ Uluslararası koruma başvuru sahipleri arasında bir de tabii ki hukuki problemler de çok popüler oluyor. Bizim en çok zaten avukatlar olarak uğraştığımız uluslararası koruma kısmında onların retleri, başvurularının retleri, sınır dışı işlemleri, ve burdaki hukuki problemler aslında. Kimliksizlik çok ciddi bir problem onlarda çünkü başvurunun reddini aldıktan sonra kimlikler iptal ediliyor ve insanlar Türkiye'de kimliksiz yaşamaya devam ediyorlar bu dava süreçleri ve sınır dışı işlemleri tamamlanana kadar.

was highlighted that the some of the needs of that beneficiaries might not be compatible with the codes all the time. It was also understood that specific needs are determined through observations, interviews, and statements.

5.1.3.2. Experiences in Case Management

As it was explained in chapter two, case management, emerging from the social work theory, is an approach to service delivery that allows beneficiaries with complex and various problems to receive the services they need in a timely and appropriate manner. In the refugee context, case management is actually the analysis of a violation of rights or a problem in accessing rights, the preparation of a plan to overcome that problem, the implementation of that plan, and finally the follow-up of that implemented plan, and the control of whether or not access to the right is provided. Based on this view, protection officers' view on case management, steps of case management and its connection with protection is analysed in this subtitle. Mostly mentioned terms regarding the definition of case management were “tool for protection”, “planned intervention process”, “prerequisite for protection” and “control mechanism for protection”. These statements show us the close relationship between case management and protection.

Process of case management and how the process proceeded were asked each participant based on the case management scheme in social work literature. Participants from Organisation C and Organisation D were explained that they are using two different approaches as individual case management and Individual Protection assistance (IPA), as the rest of the participants are using individual case management.

According to the views of the participants from Organisation C and D, IPA is used when there is only one protection concern of the applicant. If the protection concern cannot be solved or multiplies during the follow-up step, the case is conveyed to the individual case management. For instance, Respondent 3 stated regarding IPA and individual case management that:

IPA is our individual protection support. I follow this path here: I say this person has a protection risk, registration. Where should I refer this person to register them? To Provincial Directorate of Migration Management. Can I solve their problem by only informing them? I can. I referred person, they

went and couldn't be registered. I continue the IPA process. Why? Because there is only one risk and only one referral. They went and returned but in this three month this person was alienated by the society, landlord, started to be mentally depressed, their access to basic needs was limited, their children were not attending school etc. When the risk of protection emerges, we refer the case to the case management to make a holistic case plan and follow.⁵⁴

Considering case management as a “service delivery” approach, which in this case service is protection, it is observed that respondents agreed on the fact that case management is a guidance tool in order to assist protection staff for the planned intervention to the protection needs. For instance, Respondent 22 stated that:

In general, case management is meeting the needs of a person or a household systematically, directly or through referrals, in line with the objectives of a project or program. But of course, why there is a case management? Case management basically exist for us. Why? There is such thing as case management because the services that we provide should be spot on, based on a need or demand and to make sure we provide this service in a timely manner, before it's too late.⁵⁵

According to the experiences of the respondents, it should be considered that each case has a unique structure in line with its goals and objectives, and although the case plan is standardized. For instance, Respondent 6 indicates that:

I mean of course there is a theoretical order but I always try to understand first. Does the person need psychological support, financial support or information about rights? There were so many refugees, asylum seekers who didn't even know they need to be registered in PDMM. It is important to provide necessary information, make sure they take action, to show which institution they can apply and how. It is actually evaluating them because there are so many dynamics. So, I don't think there is a certain point that we

⁵⁴ IPA bireysel koruma desteğimiz. Şimdi ben burada şunu izliyorum: Diyorum ki bu kişinin bir koruma riski var, kimliklendirme. Ben bu kişiyi kimliklendirmek için nereye yönlendireceğim? İl Göç'e. Tek bilgilendirme tek yönlendirmeye çözebilir miyim bu kişinin işini? Çözebilirim. Yönlendir. Gitti, kimliği alamadı. Ben hala IPA sürecimi kaybetmiyorum. Niye? Çünkü hala tek bir riski var, hala bir temel yönlendirme ve temel bilgilendirmeyi de var. Üç ay boyunca gitti geldi, ama bu üç ay boyu içinde bu kişi ev sahibinden işte toplumdan bir dışlanma gördü, psikolojik olarak çökmeye başladı, temel ihtiyaçlara erişimi kısıtlandı, çocuklara okula gidemedi falan filan. Koruma riski başladığı zaman hop deriz, o zaman al bunu case management'a, tüm yönlü bütüncü bir vaka planlaması yapalım, bunu izlemeye başlayalım

⁵⁵ Genel olarak bir kişinin veya bir hanenin ihtiyaçlarını, belli bir proje ve programın hedefleri doğrultusunda sistematik olarak doğrudan, birebir veya sevk vasıtasıyla karşılamak. Aslında vaka yönetimi bu. Fakat tabii vaka yönetimi neden var? Vaka yönetimi temelde bizim için var. Neden? Çünkü bizim verdiğimiz hizmetlerin hem nokta atışı olması, hem bir ihtiyaca binaen veya bir talebe binaen gerçekleşmesi, hem de bizim o ihtiyacı karşıladığımızdan, o hizmeti götürdüğümüzden emin olmamız ve bunu zamanlı bir şekilde yapmamız, yani hani doğru zamanda yapmamız, çok da geç olmadan yapmamız sebebiyle, bu gereklilikler sebebiyle vaka yönetimi diye bir şey var.

say: we definitely will follow this path for this case. All of them are unique actually.⁵⁶

Some of the respondents found the case management scheme ideal and sterile and highlighted that case management in implementation is much more complex due to the legal restrictions of Foreigners and International Protection Law and the political conditions in Turkey are not sufficient to implement the ideal case management scheme. For example, Respondent stated that:

When I look at this scheme yes, it is definitely a well- expressed case plan. I mean, the steps are like this, not more or less. However, as a person who is practising protection for 3.5 years, I am well aware that this is something much more complicated than this. This is so sterile. After this step, there is this step and then this counselling comes out, there are these supports yes but these are all very painful. Working in Turkey, living in Turkey, working in that field in Turkey is much more exhaustive and complicated... Therefore, in a place where this struggle constantly continues these kinds of steps seem very like- well white to me.⁵⁷

Some of the respondents stated that in most cases, case management requires going back to the previous step where it needs to go to the next step. For example, Respondent 2 stated that:

I think this actually is a circle. If only something more circular it was instead of this. Because this is something that can always change. When I follow up the case, assess the needs again another thing might come up. Maybe she is a single woman, parent has 3-year-old child. I check the case two years after and there might be an issue with the child. For example, the child is out of school etc.⁵⁸

⁵⁶ yani tabii teorik olarak bir sıralaması oluyor ama hep anlamaya çalışıyorum Öncelikle. Psikolojik desteğe mi ihtiyacı var, maddi desteğe mi ihtiyacı var. Haklarıyla ilgili bilgi almaya mı ihtiyacı var? Kaydol... göç idaresine kayıt olması gerektiğini bile bilmeyen bir sürü sığınmacı, mülteci olduğu için. Oluyordu yani. Ona gerekli bilgilendirmeleri yapıp aksiyon alabilmesi, hangi kuruma nasıl gidebileceğini görmesi. Vaka üzerinde onu değerlendirmek aslında bir yandan. O mühim olabiliyor. Çünkü yine bir sürü dinamiği var. Yani şu vakada şu yollar izleriz kesin falan diyebileceğimiz bir nokta olmuyor Bence. Hepsini biricik aslında

⁵⁷ Bu tabloya baktığımda evet kesinlikle iyi ifade edilmiş bir vaka planı. Yani adımları böyle oluyor. Şey değil. Eksik veya fazla bir şey yok. Ama ben baktığımda, 3.5 yıldır koruma yapan birisi olarak bundan çok daha karmaşık bir şey olduğunun çok farkındayım. Burada çok steril Bu stepten sonra bu step sonra onun altından bu danışmanlık çıkıyor falan bu destekler var. Evet ama bunların hepsi çok sancılı süreçler. Türkiye’de çalışmak, Türkiye’de yaşamak, Türkiye’de bu alanda çalışmak çok daha yorucu ve çok daha karmaşık. ... O yüzden bu mücadelenin sürekli döndüğü bir yerde bu tarz stepler Bana hep böyle şey geliyor. Beyaz gibi geliyor.

⁵⁸ Bu bir circle aslında bence. bu şekilde değil de daha bir daha dairesel bir şey olmuş olsaydı. Çünkü bu sürekli değişebilir bir şey yani. Ben gidip tekrar takip inceleme yaparken, tekrar ihtiyaç değerlendirdiğimde yine karşıma bir şey çıkabilir. Kadın yalnızdır, yalnız ebeveynidir. 3 yaşında

Furthermore, respondents identified protection as something that cannot be extinguished, that is, as long as the applicant stays in Turkey. Although it is something mitigated or reduced by activating other mechanisms, those needs would increase day by day, so it is a process that will not wither away. Therefore, case management is a process that will not wither away. For example, Respondent 16 stated that:

Solving one problem out of 100 does not mean that the case is closed. There is this saying here ‘The case is not closed until the applicant say so.’ It doesn’t mean just because we have solved one problem all problems have been solved or their life is in order.... And it is not enough to provide short term support like ‘Here there is only one supply kit’, this is an ongoing process, not a onetime thing. It is necessary to deal with beneficiary in a multidisciplinary way in every field so to make sure they see a psychologist, health counsellor, providing health counselling, providing legal counselling with our lawyers if necessary, etc.⁵⁹

Identification is the first step of case management in which the beneficiary is identified and registered to the case management system. Identification step is also the first part of the interview with the beneficiary where biodata information and overview of the protection concerns were taken. Respondents emphasised the importance of the introduction of the aims and services of the relevant CSO to the beneficiary.

Persons of concern may be led to the identification step through themselves, through the CSO’s field assessments or through other referral pathways such as state institutions, other NGOs, or partner INGO’s. Although, in small cities, state institutions refer beneficiaries for identification, some of the respondents stated that the existence of state referrals is not likely during the identification step. For example, Respondent 12 stated regarding state institution referrals that:

çocuğu vardır. 2 yıl sonra tekrar bakarım dosyaya. Çocukla ilgili bir sıkıntı çıkmış olabilir. Yani bu ekstra tekrar... işte ne bileyim okula gidemiyordur vesaire vesaire gibi

⁵⁹ 100 problemin içerisindeki 1 problemi çözmüş olmak o vakanın bittiği anlamına gelmiyor. Bu arada, hep bir laf vardır “danışan bitti demeden vaka bitmez”. Hani her zaman şey değil, 1 problemi çözdük diye o kişinin bütün problemleri çözüldü ya da hayatı düzene girdi anlamına gelmiyor. ...Ve kısa süreli hani, hadi al bakalım sana bir yardım kolisi, bir maddi yardım kolisi demek de yetmez, devam eden bir süreçtir, tek seferlik değildir. Danışan ile her alanda yani multidisipliner olarak ilgilenmek, yani gerekiyorsa bir psikolog ile görüşmesini sağlamak, gerekiyorsa bir sağlık danışmanlığı vermek, bir işte sağlık çalışanıyla karşılaştırmak, gerekiyorsa hukuki alanda bilgi alması için kurum avukatlarımızdan birisiyle karşılaştırmak vesaire vesaire gibi birçok alandan birden vakayı yürütmek anlamına geliyor

We should not forget that in many cities where we have good relations, we can also be directed from state institutions. Even if we haven't identified it. For example, we receive cases from the police station, the PDMM, or the Governor's Office.⁶⁰

In the assessment step, a more in-depth interview with the beneficiary is conducted by the protection staff and the protection concerns of the beneficiary is analysed. Standardized Specific Needs Codes are likely to be set at this stage. Respondents mentioned that identification and assessment stages usually proceed at the same time due to the high number of cases.

According to the respondents, accurate assessment is vital for a healthy case plan because wrong statements of the applicant or incapability of the case worker might lead to insoluble protection concerns. For instance, Respondent 14 states about the skills of the protection staff that:

I think it depends a bit on the character of the employees, frankly. I mean, how much is that person... cunning is, so how many of his signals are active? ... For example, I observe the interviewees during registration. These were also very effective. You can only strengthen those signals here. Therefore, it is necessary to focus on education and especially practical training, not theoretical.⁶¹

Notwithstanding, some of the respondents claimed that assessment of individual needs can be done at any stage of the case management scheme seeing as new needs can emerge throughout the steps. For instance, Respondent 12 stated that:

So I think there is an assessment of individual needs at every point. It is not something that is done only after registration or identification. Also, the applicant may have another risk over and over again during the process. I

⁶⁰ Şunu unutmamak lazım bize birçok İlişkilerimizin iyi olduğu birçok şehirde devlet kurumlarından da bize yönlendirme yapılabilir. yani biz tespitini yapmamış olsak dahi. İşte mesela atıyorum polis karakolundan ya da İl Göç Dairesinden. Ya da il göç dairesi değil, Valilikten bize vaka geliyor. Falan gibi.

⁶¹ Bence biraz çalışanlarının karakterine bağlıdır açıkçası. Yani o kişi ne kadar...- bunu görüşme ortasında söylemem ne kadar doğrudur- Cingöz'dür yani ne kadar signalleri aktiftir?...Mesela Ben oturup O kayıt ve tespit görüşme yapıyordu ve ben onları gözlemliyorum. Bunlar da çok etkiliydi. Burada sadece o signalleri güçlendirebilirsin Onun için eğitime ve özellikle pratik eğitime, teorik değil, çok yönelmek gerekiyor.

mean, it's not something we can explain in a single diagram like this, I guess.⁶²

Case plan and implementation of the case plan identified as designing the plan with the consent of the beneficiary, that will meet the assessment needs of the beneficiary by setting up goals and actions and implementation of the plan along with other service providers.

Importance of the accurate assessment of the needs were emphasized given that the case plan and implementation is designed according to the assessment. Incompetent assessments and false statements of the applicant can prolong the case management and lead to inaccurate implementation. For instance, Respondent 14 stated that:

Here, you still need to look at the identification stage. We need to make a case planning based on the risks, needs and sensitivities we have identified with, and yet I think there are different factors that come with it. In other words, when planning a case, we make a case planning by taking into account the context. when I identify an LGBTI, I refer them to certain cities, for example Denizli, which we call LGBTI friendly cities. Why is that? Because there are those external factors that I have mentioned, because I am planning something that minimizes its risks.⁶³

Protections officers can consider alternate means to identify some possibilities when mechanisms are not in place. Respondents stated that protection officers should be flexible and seek alternative case plans. It is also observed from the responses that protection officers should be aware of the field and the information flow about the changes in the system. For example, Respondent 16 stated that:

So you need to be flexible while working in this field. We have already started making the assessment at registration. Let's start from the beginning. Identification, registration. Something different from what we assess is

⁶² Yani bence bireysel ihtiyaçları değerlendirme her noktada var. Sadece tespitle kayıttan sonra yapılan bir şey değil. Bir de Danışanın süreç içerisinde tekrar tekrar hassasiyet sahibi olabiliyor. Yani bu böyle tek şemada anlatabileceğimiz bir şey değil herhalde

⁶³ Burda tamamen yine de identification aşamasına bakmak gerekiyor. Biz orda tespit ettiğimiz, identify ettiğimiz risk, ihtiyaç ve hassasiyet üzerinden bir vaka planlaması yapmamız gerekiyor ve yine de bence bunun yanında farklı faktörler de geliyor. Yani vaka planlaması şey de dedim ya identification'un yanında bir de olduğumuz konteksti, bağlamı dikkate alarak bir vaka planlaması yapıyoruz ya, yani evet ben LGBTI bir bireyi hassasiyetini, LGBTI hassasiyetini tespit ettiğim zaman, bunu belli bir şehirlere gönderiyorum falan, mesela LGBTI friendly şehirler dediğimiz atıyorum Denizli'ye. Neden? Çünkü yine de söylediğim o dış faktörler var ya, onun risklerini minimum seviyeye indiren bir şeye eee ya dış faktörlerin etkisini azalatabileceğim bir yere bir planlama yapıyorum.

emerging. ... Different things come out, statements change, needs change. You make a case plan, you give referral. Something strange is coming up. ... This case plan is constantly evolving. You're ready after a while to say "do this, if it doesn't work, come again". This is actually what goes like a tree. We call that branch. If not, we call from another branch... Therefore, we should not expect case management to be as it is drawn. ... You know, we drew a case plan.⁶⁴

Contribution, consent, and cooperation with the beneficiary states as the key factor of case plan and implementation of the case plan. Participation of the applicant to the case plan and implementation is encouraged by the protection officers, according to the response of interviewees. For example, Respondent 5 stated that:

In other words, since nothing will be done in case management without the applicant, we usually make plans together with them according to their statement, requests and how actively they will participate in the implementation process, instead of actually doing something for them. That's why a solution doesn't really matter unless you stand side by side with the applicant. It's actually coming to self-determination of destiny.⁶⁵

In contrast, some of the respondents stated that in some cases, it was experienced that protection officers act on behalf of the beneficiary which led to the pacification of the beneficiary. For example, Respondent 8 stated that:

They actually have to go to the referred institution, or they have to go on time. They need to bring the right equipment with them. They need to listen to us a little. Sometimes we pacify applicants. It's like "Take this, do it like this, you did it like that, put it there". But actually, it is not. People may have different needs or thoughts. And they don't have to do what you say. you try to be a support. Sometimes we go beyond that. "Why did he do this? Why does he act like this?" We go to an unhealthy approach within ourselves. Therefore, I can say that the applicant

⁶⁴ Yani esnek olmak gerekiyor Bu alanda çalışırken. tespit kayıta zaten başladık. En baştan başlayalım. Tespit, kayıt. Tespit ettiğimiz şeyden daha farklı şeyler çıkıyor. Bireysel ihtiyaçları değerlendirme: değerlendiriyorsun. Farklı şeyler çıkıyor, beyanlar değişiyor, ihtiyaçlar değişiyor. Vaka planı yapıyorsun, yönlendirme yapıyorsun. Bambaşka bir şey ortaya çıkıyor, şey oluyor. İl göçle ilgili sıkıntılar oluyor. İl Göç'ten çıktık işte. Hastane ile ilgili sıkıntılar çıkıyor. Bu vaka planı sürekli evriliyor, çevriliyor. Artık bir yerden sonra da şeye çok hazır oluyorsun. Yani "şunu yap olmasa gel" .Ne yapacağız yani? Bu aslında ne bir ağaç gibi gidiyor. O daldan deniyoruz. Olmazsa başka bir daldan fıskırtıyoruz onu... Orada başka bir şey. O yüzden çizildiği gibi olmasını da çok beklememek gerekiyor. Yani bu aslında. Hani bir vaka planı çizdik bu uygularsak senin şifan odur gibi değil hani. Hadi şunu deneyelim, bunu deneyelim diye sürekli farklı yolların çizildiği bir sistem aslında bu yani

⁶⁵ Yani şöyle zaten vaka yönetiminde danışan olmadan, hiçbir şey yapılmayacağı için hani biz aslında onun için işler yapmak yerine onunla birlikte, yani onun beyanı, isteği ve uygulama sürecinde ne kadar aktif katılımı olacağına göre, planlama yapıyoruz genelde. O yüzden aslında yani danışanla yan yana durmadıkça çok da aslında bir çözümün önemi yok. Kendi kaderi şeyine geliyor işte aslında

should do more cooperation. I don't want to pacify too much.⁶⁶

Protection officers who follow the cases are responsible for referring the case to another service provider if necessary. As for referral mechanisms during the planning and implementation steps. Internal and external referral mechanisms can proceed according to the assessment needs of the beneficiary.

Follow-up is the step to ensure that the case plan is being followed and that the assessment needs of the beneficiary are being met. Follow up stage is an important part in the case management system in order to assure whether the needs are not met and new threats arise. In the social work literature, follow up meetings or calls should be held every two months. However, in practice, respondents emphasised that due to the high number of cases, only highest risk cases were prioritized for follow up. Some respondents stated that every step required follow-up in order to check whether the assessment is accurate so that the case plan is implemented or whether new needs emerged regarding the applicant. In some cases, protection officers and field officers share the responsibility of follow up steps. For instance, Respondent 6 stated that:

Follow up for every case? Of course, we couldn't, but according to the risks. If it is High Risk, we were definitely trying to follow up. In other words, we were directing them to the field, rather we were already waiting for them to follow up. Of course, we were doing the follow-up in very high-risk cases, but can I say that we could follow up in a very detailed way in medium-risk cases? I do not know.⁶⁷

The last step of the case management is case closure. Ideally case closure occurs when the assessment needs of the beneficiary is met and there is no further harm

⁶⁶ Ya şöyle aslında yönlendirilen kuruma gitmesi gerekiyor ya da zamanında gitmesi gerekiyor. doğru ekipmanı yanında getirilmesi gerekiyor. Bizi biraz dinlemesi gerekiyor. Biz bazen danışanları pasifize ediyoruz. Al şunu şöyle yap, böyle yapmışsın şuraya koy gibi oluyor. Ama aslında öyle değil. Kişilerin de içerisinde farklı ihtiyaçları veya düşünceleri olabiliyor. Ve senin söylediğini de yapmak zorunda değiller. sen sen bir destek olmaya çalışırsın, bazı aşılıyor. Neden bunu yapmış? Neden böyle davranıyor? Diye Sağlıksız bir yaklaşıma gidiyoruz. Kendi içinizde, içinizde. o yüzden danışanın yapması gereken daha çok işbirliği yapılması diyebilirim. çok pasifize etmek istemem.

⁶⁷ Follow-up kısmında da tabii her gelen kişi için mi? Tabii ki yapamıyorduk ama işte risklere göre. Yüksek Riskli ise eğer mutlaka takibini yapmaya çalışıyorduk. Yani Sahaya yönlendiriyordu daha ziyade zaten onlardan takibini yapmasını bekliyorduk. Çok yüksek riskli vakalarda tabii ki takibini biz yapıyorduk ama orta risk li vakalarda çok detaylı bir şekilde takip yapabildiğimizi söyleyebilir miyim? Bilmiyorum.

towards the applicant. Case management is also closed in other circumstances such as death of the applicant and if the applicant leaves the country.

Respondents stated that it is not likely to close the case in practice due to several reasons. Firstly, due to the systematic problems that the beneficiaries have, new needs and threats arise during the case management process and therefore, most cases are stuck in the follow-up step. For instance, Respondent 16 stated that:

Not many cases were closed. We closed the case when the applicant wanted it. Step 6. I think is a dream at least in terms of Turkey. Indeed, we do not close the case. That case always remains in the follow-up and assessment phase. A few of our applicants wanted the case to be closed, not to be followed. So we closed it. If we determine the level of closure of the case as reaching full welfare, it is not quite as it can be in the conditions of Turkey. But the implementation of the case plan, if only actions are to be taken with one interest in the case plan... if we think that there is a disability, for example, and the child needs to reach the cochlear implant. And if it does, do we close it? We are not closing. We continue to follow the family. We're staying on follow-up.⁶⁸

Secondly, respondents argued that because of the lack of durable solutions towards the beneficiaries in Turkey, cases cannot be closed. It is observed by the responses that the case is only closed when the applicant resettles in a third country, makes a voluntary repatriation, is deported, or dies. For instance, Respondent 4 indicates that:

As I said before, the case can be closed by leaving the country, returning to the country or being resettled. Or the disappearance of not hearing from that applicant. Because they can flee, because they try to cross into Europe or other countries through irregular ways. Then the case is closed or we don't even hear it being closed anyway.⁶⁹

⁶⁸ Çok dosya kapatıldığı olmadı. Danışan isterse isterse dosya kapattık. Yani böyle bir step 6. Hayal bence bence en azından Türkiye şartlarında. He.. yerleştirilen dosya oluyor, bunu kapatıyoruz denebilir. Hakikaten kapatmıyoruz biz dosya. o dosya her zaman takip ve inceleme aşamasında -en kötü- kalıyor. Birkaç tane danışanımız dosyanın kapatılmasını istedi, takip edilmemesini istedi. Öyle kapattık. Tam refaha ulaşmak olarak, belirlersek dosyanın kapatılmasının seviyesini, pek Türkiye şartlarında olabilecek gibi değil. Fakat vaka planının uygulanması, vaka planının içerisinde o an ki o hassasiyetli ilgili sadece eylemler alınacaksa. hani oraya mesela bir engellilik durumu var ve çocuğun koklear implanta ulaşması gerekiyor gibi düşünürsek. Ve ulaştıysa kapatıyor muyuz? Kapatmıyoruz. Aileyi takip etmeye devam ediyoruz. Takip ve incelemede kalıyoruz.

⁶⁹ dosyanın kapatılmasına varması öncede dediğim gibi ülkeden çıkması, ülkesine dönmesi ya da yerleştirilmesiyle. Ki yani ülkesine dönmesi ya da ortadan kaybolması o danışandan haber alamamak. Çünkü kaçabiliyorlar düzensiz yollardan Avrupa'ya geçmeye ya da başka ülkelere geçmeye çalıştıkları için o zaman dosya kapanıyor ya da kapandığını bile zaten duymuyoruz.

The overall duration of the process of case management was also asked to the interviewers as each of them stated the uniqueness of the cases and therefore a certain amount of time cannot be determined for the cases. However, when the approximate duration of each step was asked, implementation of the case plan and follow-up steps were stated as the longest duration. For instance, Respondent 21 said regarding the overall duration of the case management that:

At least 3 months, even in the simplest case. 3 months, even in a case that was settled with only one problem and a referral, which I call simple. Because the follow-up phase is not a follow-up if I call after 1 week, because 1 week is a very close period of time. When we call after 2 months, does that person still need that social-economic support or does the child we enrolled in school continue to school? ... Much more complicated cases cannot be completed before 6-7 months, even if you want to. Also, what happens in these processes is like this, when they first come, they only talk about a need, they don't talk about other things, then, for example, in the second and third meeting, other things come up. It's a little bit about that trust relationship, too.⁷⁰

Respondents also explained that duration of the case management might vary due to the goal of the case. Seeing as most the main goal of the cases are resettlement, duration of the cases prolongs to an unknown period of time. For instance, Respondent 15 stated that:

How long it will take on average is actually about what our goal is. In other words, if you say that our target is that this person should be placed in a third country at risk in Turkey, then he/she has entered into something that we cannot know anymore. In other words, it may take 2 years, it may take 5 years. But if our goal is to reduce those security risks, these actions may have been taken within 1 week to 2 weeks.⁷¹

⁷⁰ Yani şöyle en az 3 ay, yani en basit vakada bile, basit dediğim yani hani sadece tek bir sorunla ve bir yönlendirmeyle halledilen vakada bile 3 ay diye ben alıyorum çünkü ilk nokta şey, bir kere takip aşaması falan dediğin mesela 1 hafta sonra aramak takip değil çünkü 1 hafta çok yakın bir zaman dilimi..... Mesele 2 ay sonra aradığında da o kişinin işte o sosyal-ekonomik desteğe ihtiyacı devam ediyor mu ya da işte başvurduğu işte atıyorum diyelim ki okul kaydını yaptık çocuk okula devam ediyor mu, ... Çok daha komplike vakalar 6-7 aydan önce zaten hani tamamlanamıyor, istesen bile tamamlanamıyor. Bir de bu süreçlerde genelde şu şekilde oluyor, ilk geldiğinde sadece bir ihtiyaçtan bahsediyor, başka şeylerden bahsetmiyor, sonra mesela ikinci üçüncü görüşmede başka şeyler ortaya çıkıyor, işte o güven ilişkisiyle de ilgili birazcık.

⁷¹ ortalama ne kadar süreceği aslında bizim hedefimizin ne olduğuyla ilgili. Yani bizim hedefimiz bu kişi Türkiye'de risk altında üçüncü bir ülkeye yerleştirilmesi gerekiyor diyorsan o artık bilemeyeceğiz bir şeye girmiş oluyor. Yani 2 yıl da sürebilir, 5 yıl da sürebilir gibi bir durum. Ama bizim hedefimiz o güvenlik risklerini azaltmaksa Burada 1 hafta 2 hafta içerisinde bu aksiyonlar alınmış olabilir.

Given the fact that external referrals come into practice in the implementation of the case plan, the implementation step is stated as the longest duration. For instance, Respondent 2 stated that “I think the implementation of the case plan is the longest. The longest step. That's when external factors come into play. Institutions step in when they want to take action outside of what I have planned.”⁷²

Due to the high number of cases, follow-up steps are stated as one of the longest steps of case management. For instance, Respondent 21 indicated that:

The longest steps are 4th or 5th, implementation of the case plan or follow up and review. Because the implementation of the case plan is also important, for example, you are referring somewhere, after all, you have to act according to the speed of the institution you are directing. You get the answer that whether it will happen or not from that institution in at least 2 weeks, then when you say let's make a new plan or something, the implementation period is a bit long, or it is not always easy to get feedback. And of course, follow up and review. What is the progress of the service, is it continuing, did new vulnerability emerged etc.? It is a long process.⁷³

Respondents stated case management as the tool for protection that guides the protection staff towards the systematic steps to be taken in order to eliminate the protection risks. Respondent stated that case management makes individual protection more methodological and organized. Respondent 16 stated the following regarding the relationship between case management and protection:

If we start from scratch, if we don't know anything, we will have this system in place after about 3 months. But because what do you do when you meet the person, when you want to help? You meet them, you understand their needs, you see their needs. Then you say let's try to solve this, you create a case plan, you apply the case plan, you solve it. You call every once in a while, and say, "What's up, Brother, are you okay?" So actually, that's what you're going to do. But what we call a case plan: We make it a little more systematic and try to work like a machine every time. So in the social

⁷² Vaka planının uygulanması bence en uzun. En uzun süren adım. Çünkü o zaman dış etkenler devreye giriyor. İşte benim Planladığımın dışında artık aksiyon almak istediğinde kurumlar devreye giriyor.

⁷³ En uzun süreni yani 4 ya da 5. adım, vaka planının uygulanması ya da takip ve inceleme çünkü vaka planının uygulanması da yine şey hani mesela bir yere yönlendiriyorsun, sonuçta yani yönlendirdiğin kurumun hızına göre hareket etmek durumundasın. Atıyorum o kurumdan olur ya da olmaz yanıtını işte en az 2 hafta içinde alıyorsun, o zaman hadi yeni bir plan yapalım falan filan derken o uygulanması süresi de yani birazcık uzun oluyor ya da dönüt almak her zaman çok kolay olmuyor. Bir de takip ve inceleme tabii ki, yani dediğim gibi hani hizmet ne oldu, devam ediyor mu, sonradan ek bir şey çıktı mı falan derken böyle uzun bir süreç oluyor evet.

sciences... we are actually trying to apply a certain standard. We set a certain standard. In that respect, without this system, the case cannot be protected without its management. How does protection work without case management? It re-establishes itself in case management from scratch.⁷⁴

Yet, some of the respondents stated that protection does not only consist of case management, and it has a much broader understanding such as community-based protection which does not require case management. Case management is required when individual protection needs to be intervened. For instance, Respondent 11 stated that:

Protection is a broad concept, so in this protection, we can talk about accessing rights individually and we can talk about accessing rights as a community. Therefore, there is an activity that we do not work in and which is also very important, which we call community-based protection. There are also individual protection activities, which include steps where vulnerable cases are followed and their direct access to their rights is restricted. This second protection that I mentioned is actually a protection that is carried out by case following and case management. In fact, case management is the basis of the second definition of protection that I mentioned. Of course, I'm not talking about his theory in social work exactly.⁷⁵

Case management scheme is used by all CSOs that are participated in the research. It is understood that case management is seen as planned intervention for protection, and it is a organised tool for protection. Uniqueness of the each case was emphasized frequently among the respondents due to the fact that each applicant's needs is also unique.

⁷⁴ Zaten Sıfırdan başlarsak hiçbir şey bilmesek yaklaşık 3 ay sonra şu sistem oturtmuş olur oluruz. Fakat çünkü yani naparsın kişiyle karşılaştığınızda, yardım etmek istediğiniz zaman? Tanıyorsun, ihtiyaçlarını anlarsın, İhtiyaçlarını görürsün. Sonra hadi şunu çözmeye çalışalım dersin, vaka planı oluşturursun, vaka planını uygularsın, çözersin. arada bir ararsın''Noldu Kardeim iyi misin?'' dersin Yani aslında bu yani, yapacağın iş. Ama vaka planı dediğimiz şey: Onu biraz daha sistematik hale getiriyoruz ve her seferinde bir makine gibi çalışmaya çalışıyoruz. Yani sosyal bilimlerde... belirli bir standart uygulamaya çalışıyoruz aslında. Belli bir standarta oturtuyoruz. O açıdan bu sistem olmadan vaka, yönetimi olmadan, koruma işlemez. Vaka yönetimi olmadan koruma nasıl işler? Kendi kendine yeniden en baştan vaka yönetiminde kurar tekrar.

⁷⁵ Koruma geniş bir kavram yani bu korumada hem bireysel olarak bir haklara erişimden bahsedebiliriz hem de bir topluluk olarak haklara erişimden bahsedebiliriz. Dolayısıyla benim içinde çalışmadığım ve yine oldukça önemli olan toplum temelli koruma dediğimiz faaliyet var. Bir de bireysel koruma faaliyetleri yani hassas vakaların takip edildiği, bu vakaların doğrudan haklarına erişiminin kısıtlandığı noktalarda adımlar atılan koruma faaliyetleri var. Bu ikinci bahsettiğim koruma aslında vaka takibi ve vaka yönetimiyle gerçekleştirilen bir koruma. Aslında yani şey bu korumanın yani ikinci bahsettiğim koruma tanımının temelinde yatan şey vaka yönetimi aslında. Tam olarak yani sosyal hizmetteki kuramından elbette bahsetmiyorum.

Case management scheme was found sterile and in reality, the ideal steps of the case management were applied rather simultaneously. Moreover, during the process, factors and needs might change or emerge and case worker and the applicant might go a few steps back. Therefore, case management scheme was stated more of a circular procedure where assessments can be re-done at any stage.

Regarding to the case plan and the implementation, CSOs in Turkey establish alternative case plans because the first case plan is often inefficient because of the external factors. Moreover, follow-up procedure is not applicable for every case due to the high number of cases per protection staff. Lastly, case closure is rarely happening because of the failure to implement the case plan and the emergence of new needs. Therefore, standardised case management is an ideal tool for protection however, its structure is far from ideal due to the change in practice in Turkey.

5.1.3.4. Experiences in Supervision

All of the respondents receive supervision from the senior staff members and the protection staff of their donors as well as provide supervision to the field offices. Supervisors assist caseworkers in improving their abilities and focusing on making appropriate judgments concerning beneficiaries by providing frequent, organized supervision. Supervision not only concerns the monitoring of the case management and the skills of the protection staff but also well-being of the staff. According to the answers of the respondents 5 aspects of supervision were analysed as follows: Supervision as guidance, supervision as the division of workload, case by case supervision and supervision as wellbeing and conflict management of the staff.

Supervision seen as a guidance and support to the protection staff for the case management process in the case of CSOs working with refugees in Ankara. Respondents stated that protection staff supports case workers in cases in which case workers are having a hard time proceeding the steps or need approval before taking actions. For instance, Respondent 2 stated that:

The duties of the supervisors are to provide support to fellows in the field with case referral. Financial approval.. If we are going to provide financial support, it proceeds in the form of giving approval. At the same time, while making referrals, they are in a way a guide to the friends in the field. Of course, we had to get approval from the assistant general coordinator or our

friend at the highest level in the protection unit if we were going to talk to some institutions, especially institutions, and to communicate with institutions while we were supervising. We did some work in the field in order to provide a little more case orientation and support to the case.⁷⁶

Respondent also stated that supervision involves monitoring of the case management whether it proceeds according to the main principles of protection. For instance, Respondent 15 stated that:

Actually, basically, I think the thing that comes before supervision is, what is the case for the staff working in this field? How is case management done? What are the stages of this? To transfer them. What we call case management is done in line with certain skills and values. There are some values that we adopt. Things like the right to self-determination, the principle of individuation, the principle of working together. ... Is case management actually done with these values in mind? Does the process proceed on a rights-based basis? Does it take care of refugees? At this point, I am following these questions. So how do I do this? There is a system we use, the biodata system. When we enter from this biodata system, what has been done about a case in a written sense? We can see many of them. These are my remote follow-ups. There are also cases where my friends consult me. We consider suggestions for reasoning together and what we can do together.⁷⁷

It is observed throughout the interviews that CSOs in Ankara attempt to standardize supervision by applying several methods. All respondents from 7 CSOs are using their own supervision and case management programmes in order to standardize the protection system. Through these web programmes employees can observe cases and receive supervision. Another method that Organisation A applies is the division of the case workload by dividing the field offices into regions where each region has

⁷⁶ Süpervizyon verenlerin görevleri sahadaki arkadaşlara vaka yönlendirmesi konusunda destek sağlamak. Mali onayla.. mali açıdan destek sağlayacaksa onay vermek şeklinde ilerliyor. Aynı zamanda yönlendirme yaparken de bir bakıma guide oluyorlar. Sahadaki arkadaşlara. tabii ki bizim de bazı özellikle kurumlarla, süpervizörlük yaparken kurumlarla özellikle konuşacaksa, iletişim haline geçilecekse Bizim de tabii ki genel koordinatör yardımcısından veya koruma birimindeki en üst düzeydeki arkadaşımızdan onay almamız gerekiyordu. Bu bağlamda. Birazcık daha vaka yönlendirmesi, vaka ya destek sağlamak açısından sahaya özellikle çalışmalar yapmıştık

⁷⁷ Ya aslında en temelde bence süpervizyondan önce gelen şey şu bu alanda çalışan personeline vaka nedir? Vaka yönetimi nasıl yapılır? Bunun aşamaları nelerdir? Bunu aktarabilmek. Bu vaka yönetimi dediğimiz şey de belli beceriler ve değerler doğrultusunda yapılıyor. Benimsediğimiz bazı değerler var işte. Kendi kaderini tayin hakkı gibi, bireyselleştirme ilkesi gibi, birlikte çalışma ilkesi gibi gibi şeyler. ... Aslında vaka yönetimi bu değerler göz önüne alınarak yapılıyor mu? Hak temelli olarak ilerliyor mu süreç? Mülteciler gözetiyor mu? Bu noktada bunların takibini yapıyorum. Bunu nasıl yapıyorum peki? Kullandığımız bir sistem var, biodata sistemi. bu biodata sisteminden girdiğimizde aslında yazısal anlamda bir vakayla ilgili ne yapılmış? Bunların birçoğunu görebiliyoruz. Bunlar benim uzaktan yaptığım takipler. Bir de arkadaşlarımla danıştığı durumlar oluyor. Şöyle şöyle bir durum var. Sadece napalım gibi. Orada birlikte akıl yürütme ve birlikte hani ne yapabiliriz üzerine önerileri düşünüyoruz. Burada Süpervizyonu şöyle tanımlamıyorum ben.

their own protection staff for supervision in the headquarters office in Ankara. This method is a centralised method as field offices from all around Turkey are supervised by the protection officers in Ankara. Respondent 2 states as follows regarding the the division of supervision:

Supervision in Organisation A... First of all, protection is divided into geographical regions. We have offices in the field within these regions and the supervisor team that provides support to these offices is located in a centre. Also, some regions have their own protection team. There are several regions. In this context, some of my friends are law graduates, some are psychologists, and some are nursing graduates like mine, partly because of their better experience and perhaps the department they studied. Our friends, who were more knowledgeable in the field of health than our other friends in various fields, provided supervision support. Of course, their experience in the field, how many cases they saw, how many refugees they talked to a day, which cases they handled, etc. These, of course, have a great influence on the process and situation.⁷⁸

It is also observed that CSOs are not only dividing the workload by regions but also specific needs such as child protection and LGBTI+ protection seeing that focus groups such as children of LGBTI+ community needs different protection responses.

In contrast with the claims regarding standardized supervision and case management, some of the respondents stated that supervisions were rather ad-hoc and based on momentary needs of the protection officers regarding the case. For instance, Respondent 20 stated regarding to the ad-hoc supervision as “Supervision was actually done on a case-by-case basis, so it was definitely not systematic. In other words, it is possible for Supervision to be a little more inclusive and protective, with its continuity and systematicity.”⁷⁹

⁷⁸ Oranizasyon Ada süpervizyon.. Bunu anlatayım Öncelikle korumada bölgelere ayrılıyor. Koruma birimi diyelim. bu bölgeler kapsamında sahadaki ofislerimiz var ve bu ofislere destek sağlayan süpervizörü ekibi bir merkezde bulunuyor. Bir de bazı bölgelerin kendine ait de koruma ekibi oluyor. Birkaç bölgenin var. Bu bağlamda Kısmen tecrübesi daha iyi olan ve belki okuduğu bölüm sebebiyle işte kimi arkadaşlar hukuk mezunu, kimi arkadaşlar psikolog, kimi benimki gibi hemşirelik mezunu. sağlık alanında bilgi sahibi çeşitli alanlarda daha çok diğer arkadaşlarımıza göre daha fazla bilgi sahibi olan arkadaşlarımız süpervizyon desteği sağlıyordu. Tabii ki sahadaki deneyimi, ne kadar çok vaka görmesi, Günde kaç tane mülteciyle konuşuyormuş, hangi vakaları halletmiş vesaire gibi. Bunlar da tabii ki çok etki ediyor süreci ve durumu.

⁷⁹ Süpervizyon aslında çok vaka bazında yapıyordu yani sistemli değildi kesinlikle. Yani Süpervizyonun biraz daha kapsayıcı koruyucu olması, sürekliliği ve sistemliliği mümkün.

It is also observed regarding claims of the respondents that supervisions are based on peer-supervision which is experience sharing among co-workers. For example, Respondent 9 stated that “There was peer supervision, of course. It is a system that works in more informal ways, which we call peer supervision, by talking about cases with our friends working in other cities, social workers or field workers.”⁸⁰

Supervision is also for observing and supporting the motivation and well-being of the employees such as creating a comfortable environment for observation, encouraging self-care, and having empathy. According to the respondents, due to the emotional wearing of being a protection officer and exposure to traumatic stories of the beneficiaries, supervision is much needed in order to ensure the well-being of the employees. For instance, Respondent 4 stated that:

This is a tough, wearisome job. It is for all of us to be exposed to the stories of refugees. Most of the workers are already in therapy for similar reasons. Maybe because they no longer believe in the world. Or a process that turns into a pessimist by being exposed to the bad side of everything. And here too there is a great need for supervision. Although there is actually a horizontal hierarchy in this organisation, I think our seniors should connect us to work by informing us with some good news. This will increase the continuity of the work. However, such thing is not existing in Organisation A.⁸¹

Furthermore, the necessity of supervision was emphasized when the employees in the field did not take the case actions to be taken regarding the institutions because they lost their faith in the institutions. In these situations, respondents stated that they have to encourage the field officers and motivate them regarding the actions to be taken for the purpose of case management.

⁸⁰ Yani akran süpervizyonu oluyordu tabi. Yani diğer ee şehirler- diğer şehirlerde çalışan arkadaşlarımızla, sosyal çalışmacı ya da saha çalışanı, nasıl diyeyim danışman olarak çalışan arkadaşlarımızla, birbirimizle vakalar üzerine konuşup ee bir şey yapıyorduk ama bu daha çok işte akran süpervizyonu dediğimiz daha gayri resmi yollarla işleyen bir sistem..

⁸¹ bu yaptığımız iş Sert, insanı yıpratıcı bir iş. Mütecilerin hikayelerine maruz kalıyor olmak hepimiz için..Zaten çalışanların çoğu terapi alıyor. Benzer nedenlerden dolayı. Artık dünyaya inançlarının kalmaması üzerinden belki. Ya da her şeyin kötü tarafıyla maruz kalıp pessimist olmaya dönüşen bir süreç. Ve burada da süpervizyona çok ihtiyaç var. böyle bir işte aslında Hani bir ondan yatay bir hiyerarşi olsa da ondan üst pozisyondakinin iyi şeyleri ya da işte daha böyle işe bağlayacak şeyleri bildiriyor olması aslında işin sürekliliğini de artıracak bir şey diye düşünüyorum. Ama bu Organization A’da eksik

To sum up, supervision is based on guiding and supporting the staff in the context of CSOs in Turkey. Whilst supervision is aimed to be standardized by dividing it to specific needs or geographical regions, it is often based on ad-hoc interventions to cases or peer supervision.

5.1.4. Actors of protection and Case management

Actors of protection and case management refers to all state and non-state service providers that applicants benefit from in order to eliminate their protection needs. While case management is not something that an institution proceeds alone, it is necessary to cooperate with other service providers during the process. In this part, roles of the actors such as CSOs, INGOs and state led institutions are examined.

With regards to which actor is involved in which step of the case management scheme, respondents stated that CSOs take part in all steps, especially in the first three steps. In the implementation of the case plan, support of other actors, especially state-led services are needed. Whilst some of the state led institutions and INGOs take part in the identification step by referring the beneficiaries to CSOs, both types of actors generally appear in the implementation of the case plan part.

Moreover, it is observed that there is a tendency to make referrals to the other CSOs at first because of the hesitation towards state institutions. However, referral to the state institutions lead to the most durable solutions for protection needs. INGOs and IGOs roles during the implementation process were mostly based on provision of funding, financial assistance, and training materials.

Before discussing the role of the actors of protection it is necessary to stated that if the CSOs has the resources to meet the needs identified during case management, internal referral mechanisms are much more preferred. It has been observed that internal mechanisms work more in multi-directional CSOs with multiple fundings. For instance, Respondent 11 stated regarding to the Organisation A that:

Due to Organization A's size and project density, we use internal referral and referral to our other projects a lot. In other words, an NGO should not solve

much with internal referral. Technically speaking, but as Organisation A, internal referral is perhaps the type of forwarding we use the most.⁸²

5.1.4.1. Role of INGO's in Protection

Role of INGOs in the protection of refugees is not thoroughly direct and vis-a-vis protection, but through partnerships and corporations with CSOs. They mostly took part in the ‘programming’ part of protection, providing training and funding CSOs. It has been observed that INGOs in Turkey boost civil society capacity through financing and collaborations, and in this way, they lead CSOs from volunteerism to professionalism. For instance, Respondent 19 states the difference between CSO protection and INGO protection as follows:

I am working with the gender equality part in terms of protection now. The protection I do in this INGO is not directly related to children, adults, elders and their protection needs, but we work on focused and thematic issues. ... So not implementation. Or I work a little more through programs, not directly with the refugee or the beneficiary.⁸³

Another role of INGOs who are operating in Turkey is to be a part of the programming part of protection and to ensure that institutions that protect or authorized by law to protect can be protected. To do so, INGOs and intergovernmental organisations organise trainings, capacity building activities, partnerships and monitor the institutions. Therefore, it can be said that they took part in the preventive part of the protection. For instance, Respondent 20 stated that:

what we do is to ensure that institutions that protect, need to protect, or are given authority by law, become able to protect. ... You know, we are actually doing something to help them, for example, improve their personnel and

⁸² Organizasyon A 'ın büyüklüğünden ve proje yoğunluğundan kaynaklı projeler arası yönlendirme ile Kurum içi yönlendirmeyi çok fazla kullanıyoruz. Yani aslında bir STK'nın kurum içi yönlendirmeye çok şey çözmemesi lazım. Teknik olarak bakınca. ama bizim Organizasyon A olarak kurum içi yönlendirme Belki bizim en çok kullandığımız yönlendirme türüdür. Dolayısıyla kurumlar arası ilişki de bu vaka planının uygulanmasında veya vaka planı kurulmasında, kurumlararası ilişkiler de aslında bizim iç ilişkilerimiz biraz etkili.

⁸³ Toplumsal cinsiyet eşitliği işte Koruma açısından toplumsal cinsiyet eşitliği kısmı ile ilgileniyorum ben Şimdi. Biraz daha bu sivil toplumda yaptığım koruma doğrudan işte çocuk gelir, yetişkin gelir, yaşlı gelir,onların koruma ihtiyacı gibi değil , biraz da odaklanmış ve tematik konularda çalışıyoruz. ... Yani implementation değil. Ya da doğrudan mülteciyle ya da yararlanıcıyla değil, biraz daha programlar üzerinden çalışıyorum.

identify victims more easily. You know, I don't do much direct protection, but we support them in such capacity building, policy making and so on.⁸⁴

Other than CSOs, INGOs and intergovernmental organisations work and build partnerships with the state institutions for capacity development regarding protection and enhancing the protection mechanisms. For instance, Respondent 20 stated that:

Sometimes we organize trainings with people working in the General Directorate of Migration Management or the Provincial Directorate of Migration Management, for example, we detail the trainings: we examine the dimensions of the crime, what is the legal legislation, and how the cases are processed, here's how the investigation is done, etc. We're making it one click wider. We provide such trainings for trainers so that people can do such trainings in their own cities.⁸⁵

Respondent 20 also stated the following as that state led institutions are more willingly to work with INGOs and intergovernmental institutions rather than CSOs and less hesitated to make referrals:

I think they are a bit more at peace with the United Nations institutions because CSOs are a bit more flexible. You know, sometimes they ask, for example, "There is such a case, but what should we do? He needs help, but we don't have such a budget, what would you suggest?" Or "there is the case, can we refer it, should we refer it?" etc.⁸⁶

INGOs and intergovernmental organisations in Turkey do not primarily work with beneficiaries but provide funding to CSOs and provide financial assistance to beneficiaries through their budgets. In this regard, referral to the NGOs and IGOs mainly occur due to their partnership with CSOs and financial assistance.

⁸⁴ Hani benim bu bizim yaptığımız daha çok koruyan, koruması gereken ya da, yasayla otorite verilmiş kurumların koruyabilir hale gelmesini sağlamak aslında. ... Hani biz onların mesela personellerinin donanımlı hale gelmesine ve mağdurları daha böyle kolay tespit edebilmelerine yönelik bir şey yapıyoruz aslında. Hani direkt koruma çok yapmıyorum ama daha böyle bir kapasite geliştirme, policy making vesaire falan kısmında hani onlara destek sağlıyoruz.

⁸⁵ Bazen zaten mesela Göç İdaresi Genel Müdürlüğü ya da İl Göç İdaresi Müdürlüğü'nde çalışan arkadaşların olduğu yani biraz bilgileri olan kişilerin olduğu eğitimler yapıyoruz, onlarda mesela bir tık daha detaylandırıyoruz, işte işte suçun boyutlarını inceliyoruz, yasal mevzuat nedir onu zaten inceliyoruz ve hani vakalar nasıl işleniyor, işte soruşturması nasıl yapılıyor bu vakaların falan gibi. Daha bir tık daha geniş yapıyoruz, bazen böyle eğitici eğitimleri yapıyoruz ki kişiler kendi şehirlerinde böyle cascaded training'ler yapabilsinler.

⁸⁶ Birleşmiş Milletler kurumlarıyla olduklarından bir tık daha barışıklar bence çünkü STK'lar bir tık daha esnek. Hani evet bazen mesela şey sordukları oluyor, hani böyle böyle bir case var ama ne yapalım? Yardım alması lazım ama hani bizim böyle bir bütçemiz yok, siz nasıl bir şey önerirsiniz? Ya da ne bileyim kalsın mı burada vaka, gönderebilir miyiz, göndersek mi daha iyi olur vesaire, evet böyle fikir aldıkları oluyor, ama bu böyle bir süpervizyon boyutunda mı?

Some of the respondents stated that the scope of the budgets of the INGOs and intergovernmental organisations changes periodically therefore their referrals to the INGOs and IGOs vary according to which type of budget do they provide assistance such as medical, rental or food. For instance, Respondent 6 stated that:

For example, it changes from time to time. For example, we requested immediate assistance in all medical cases from the Doctors Worldwide ... International Organization for Migration has a fund all over Turkey. When we cannot solve the case specifically for that city, we reach the office in Antep and get support from IOM. It is one of the places where we often get support.⁸⁷

Furthermore, CSOs are more comfortable for INGO and IGO referrals in terms of accessibility. It was stated that the relationship provided by the budget flow also facilitated reaching the institutions. And partnership agreements between CSOs and INGOs maintain this budget flow. For instance, Respondent 11 stated that:

In fact, the institutions we can access most easily are INGOs. In fact, the institutions that we can access more easily than other NGOs are INGOs. Sometimes we reach other NGOs through INGOs or even through UN Agencies. D also comes from something: This is a bit like a bug of the system established in Turkey. In other words, the money is not distributed directly to Turkey or its NGOs in TR by ECHO. ECHO receives funding. It distributes it to INGOs or International UN organizations. The Turkish branches of UN organizations also distribute that money through certain partner agreements or to other INGOs through partner agreements, within the scope of projects. Therefore, the relationship provided by the money flow actually makes it easier for us to reach these institutions.⁸⁸

Shortly, INGOs involvement in Protection is mostly through partnerships and funding. Moreover, INGOs are in the capacity development and programming part of

⁸⁷ Mesela dönem dönem de değişiyor. Bir yerde Yeryüzü Doktorları'nın bir ara tüm medikal vakalarda hemen talep ettik. Son zamanlarda dediğim de benim, Son zamanlar iki yıl falan. Hatta üç yıl olabilir. Uluslararası Göç Örgütü'nün bir fonu var tüm Türkiye'de. Çözumsuz kaldığımızda yine, O yerel, O şehir özelinde çözemeyeceğimizde, Antep'teki ofistine ulaşır IOM'in destek aldığımız.. o da sıkça destek aldığımız yerlerden biri

⁸⁸ Onun dışında da bizim aslında erişebildiğimiz, en rahat erişebileceğiniz kurumlar INGO'lar. Hatta Belki diğer STK'lardan bile daha rahat erişebildiğimiz kurumlar INGO'lr. Bazen diğer STK'lara INGO'lar aracılığıyla erişiyoruz veya UN Agencyler aracılığıyla erişiyoruz hatta. o da biraz şeyden geliyor. Yani. bu Türkiye'de kurulan sistemin biraz bug'ı gibi bir şey yok. Yani para Türkiye'ye ya da TR'deki STK'ları doğrudan ECHO tarafından dağıtılmıyor. ECHO fonu alıyor. INGO'lara ve ya şeylere dağıtıyor. Uluslar arası işte BM örgütlerine dağıtıyor. BM örgütlerinin Türkiye branchleri de o parayı belli partner anlaşmalarıyla veya diğer INGO'lara partner anlaşmalarıyla projeler kapsamında dağıtıyor. Dolayısıyla para akışının sağladığı ilişki aslında bizim bu kurumlara ulaşmamızı da kolaylaştırıyor biraz.

protection rather than the implementation part. In terms of cooperation state institutions are more collaborative with INGOs rather than CSOs. In addition, CSOs are less hesitant to make INGO referral because of their partnerships with the INGOs.

5.1.4.2. Role of UNHCR

Turkey is one of the countries where UNHCR's operational activities are more intense. As UNHCR has been active in Turkey since 1960, its role includes making recommendations to the Turkish State, providing trainings, conducting seminars and preparing pilot projects. Moreover, UNHCR had been conducting refugee status determination and resettlement activities for international protection applicants until 2018. UNHCR also cooperates with various non-governmental organizations and makes operational and implementing partnerships with them in order to enhance the capacity of the actors in the migration field.

Each CSOs where participants of this study work, has various partnership agreements with UNHCR. Whilst three of the CSOs of the protection staff participating in this study have implementing partnerships with UNHCR, other CSOs have operational partnerships and several collaborations. Therefore, the role of UNHCR has a broader meaning in protection and case management.

When the United Nations and its bodies want to carry out a protection activity in Turkey, due to legal conditions, lack of physical capacity and human resources, they cooperate with institutions that have local experience and trust that they can carry out these activities locally, provide human resources and physical capacity. Therefore, UNHCR forms implementing partnerships with several CSOs in Turkey. For instance, Respondent 10 who was a former UNHCR staff, stated regarding the implementing partnership that:

UNHCR was operating from a slightly more comfortable space. This is also one of the purposes of working with Organisation A as an implementation partner. Also, the number of people we can reach is low due to current restrictions, there is no office, there is not enough staff. That's why we couldn't act as actively and effectively as an Organisation A employee, that's a problem. Even if we knew the solution, the person who could implement the solution was one of our friends / colleagues working at Organisation A.

That's why there's such a huge, practical difference between them, that's the primary difference.⁸⁹

Reflection of the implementing partnerships on the field is more of a subcontracting according to the respondents. In fact, this envisages providing a more comprehensive service with a cheaper labour force. In other words, the UNHCR cannot hire as many personnel as its implementing partner does, or it is not possible to provide the personal rights of those people directly under the umbrella of the UNHCR. Therefore, both the expense and a very serious human management workload are relieved by the United Nations with these partnership agreements. For instance, Respondent 16 stated that:

In fact, Organisation A works like a UNHCR subcontractor somewhere. I can say that the United Nations does not employ its own personnel in the field. Instead, projects are written. protection projects... ... Our relationship with the United Nations is that Organisation A is the largest working partner of the United Nations. In other words, Organisation A is the CSO that uses the most budget in Turkey, and we have field offices operating in many provinces with the protection budget of the United Nations, with the protection budgets. That's why we are constantly in contact with the United Nations, with UNHCR, and in fact, UNHCR sees us almost as their own staff, and almost as if we were doing business like this.⁹⁰

As it was mentioned in the previous chapter, UNHCR was conducting refugee status determination (RSD) interviews and taking a part in the joint registration procedure with DGMM until 2018. Most of the respondents stated that UNHCR had a wider role in terms of protection during this period in terms of detecting the protection concerns of the beneficiaries during the RSD interviews and referring them to its

⁸⁹ UNHCR biraz daha konforlu bir alandan hareket ediyordu. Zaten uygulama ortağı olarak Organisation A ile çalışmasının da bir amacı bu. Hem ulaşabileceğimiz kişi sayısı az mevcut kısıtlamalardan dolayı, hani ofis yok, personel sayısı yok. Onun için bir Organisation A çalışanı kadar aktif ve etkin istesek de hareket edemiyorduk, öyle bir problem. Hani çözümü biliyor olsak bile çözümü uygulayabilecek olan kişi Organisation A'da çalışan arkadaşlarımızdan / meslektaşlarımızdan biri oluyordu. Onun için arasında böyle devasa bir, pratikten kaynaklanan fark var, birincil fark bu

⁹⁰ Aslında Organisation A bir yerde BMMYK'nın taşeronu gibi çalışmakta. Birleşmiş Milletler birebir sahada kendi elemanlarını çalıştırmıyor diyebilirim. Onun yerine projeler yazılıyor protection projeleri. ... Birleşmiş Milletler'le aramızdaki şey de ın ilişki de en büyük ortağımız yani Birleşmiş Milletler'in en büyük çalışma ortağının Organisation A olmasıdır, yani Türkiye'de en çok bütçeyi kullanan STK Organisation A'dır ve birçok ilde faaliyet gösteren saha ofislerimiz var Birleşmiş Milletler'in birebir protection bütçesiyle, protection bütçeleriyle. O yüzden sürekli aslında Birleşmiş Milletler'le dirsek temasındayız UNHCR'la ve aslında UNHCR bizleri de neredeyse kendi personelleri gibi görmekte ve neredeyse hani böyle iş paslarken

implementing partners. Respondents stated that they contact UNHCR if they want to give a recommendation of particular cases regarding resettlement or if the beneficiary wishes to contact with UNHCR regarding their case status. For instance, Respondent 14 stated that:

We look at the RSD process as a solution to the conclusion of case planning as an intermediary or as part of that case management. we were communicating with UNHCR more, whether to speed up that process, to finalize that process or to follow that process.⁹¹

In terms of monitoring and supervision of UNHCR's partners, respondents stated that they would contact UNHCR for the obstructed cases if the protection officer consumed all the ways in order to eliminate the protection needs and could not succeed. For instance, Respondent 6 stated that:

In cases that cannot be resolved and cannot be resolved between institutions, when a call is made with a United Nations tag, of course, it can be beneficial for some institutions. In such severe cases. I can request this (from UN). ... In this period, we have seen a lot of support from the United Nations regarding no permits and road tickets. Apart from that, we have seen a lot of support about hotel accommodation.⁹²

In addition, respondents stated that protection officers working in the CSOs are much more experienced in terms of the field and procedures and therefore, supervision is requested only in cases requiring notification or urgency.

Moreover, protection officers who are working in the implementing partner CSOs of UNHCR stated that reports regarding the trends, challenges and developments in the field were conveyed to the relevant department so that necessary policy developments regarding the trends can be considered.

⁹¹ RSD süreci o vaka yönetiminin bir parçası olarak, bir aracı olarak vaka planlamasının sonuçlanması için bir çözüm olarak bakıyoruz ya. onunla ilgili daha çok iletişime geçiyorduk, ister o süreci hızlandırmak, o süreci sonuçlandırmak veya o süreci takip etmek için iletişime geçiyorduk.

⁹² Çok çözümsüz kaldığımız ve kurumlar arası çözemediğimiz durumlarda hani bir Birleşmiş Milletler etiketiyle bir arama yapıldığında bazı kurumlara bunun daha çok faydası oluyor tabii. Böyle durumlarda ricacı olabiliyorum. Çok riskli vakalarda. Bazen sonuç alıyoruz, bazen alamıyoruz.... İŞBİRLİĞİ Çok önemli mesela. bu dönemde yok izinleri, yol Biletleriyle ilgili çok fazla desteğini gördük birleşmiş Milletler'in. onun dışında otel konaklamaları ile ilgili yine çok desteğini gördük

At last, based on the opinions of the respondents, protection officers request supervision in terms of financial assistance to the beneficiaries. For instance, Respondent 11 stated that:

We are an organization operating with financial aid. Of course, these financial aids come out of the United Nations' coffers. And depending on the scope of these financial aids, we can give approval, and some aids require approval from the United Nations. I'm contacting the United Nations about getting those approvals.⁹³

Trainings emerged as one of the biggest roles of UNHCR in the implementation of protection. UNHCR provided protection materials such as specific needs codes and standard operating procedures; and assisted its operational and implementing partners in the field in terms of the implementation of protection.

Due to the fact that the trainings mostly held much later than the recruitment date of the participants, respondents emphasised that they were already aware of the practices in the field. Moreover, respondents claimed that trainings were useful in terms of providing them a theoretical baseline; however, the basis of the trainings were not compatible with the practices in the field. For instance, Respondent 13 stated that:

When I first started organisation A ... we were trained by a UN on refugee law, both protection and legal. But of course, was that training enough? No. How to appeal against a border, interview techniques... Was it related to the training we gave to new employees later on? There wasn't any. ... What I saw was not very practical, it was not practical, it was more theoretical. And theoretical knowledge is a little bit up in the air.⁹⁴

Role of UNHCR also broadens to aspects such as strengthening local institutions, local associations, or providing local solutions to local problems, ensuring that solutions are found in that region as well as acting as a mediator between CSOs and

⁹³ Biz mali yardımla gerçekleştiren bir kuruluşuz, Birleşmiş Milletler kasasından çıkıyor elbette bu mali yardımlar. Ve bu mali yardımların kapsamına bağlı olarak biz de onay verebiliyoruz, bazı yardımlarda da Birleşmiş Milletler'den onay gerekiyor. O onayların alınması konusunda da iletişime geçiyorum Birleşmiş Milletlerle.

⁹⁴ Organizasyon A'ya ilk başladığımda ... hem koruma hem hukuki olarak işte mülteci hukuku karışık bir BM'den eğitim aldık. Ama tabii ki bu eğitimin yeterli miydi? Hayır. İşte sınır dışına nasıl itiraz edilir, mülakat tekniklerini... hani bizim daha sonraları yeni başlayan şeye çalışanlara verdiğimiz eğitimle alakası var mıydı? Hiç yoktu. ...gördüğüm şey çok da uygulamaya yönelik, pratiğe yönelik değildi, daha teorikti. Ve teorik bilgi biraz havada kalır ya, öyle oldu yani açıkçası.

state institutions. However, according to the view of the respondents, it does not progress very much in this context due to the political climate. Thus, partnership agreements do not provide a very serious benefit such as finding local solutions to local problems or filling the gap between CSOs and state institutions through cooperation.

It is seen based on the response that UNHCR's involvement into protection by its own staff is minimal whilst it is indirectly involved in protection through partnerships. However, respondents from the organisations that are implementing partner of the UNHCR feel themselves a subcontractor. The main element of their partnerships are based on trainings, conveying reports about the projects and case-by-case contacts. Furthermore, UNHCR's role in protection is less effective because of the transference registration and refugee status determination to DGMM.

5.1.4.3. Referral to State Institutions

One of the key actors of the referral mechanism is state institutions as they offer more durable solutions and protection mechanisms in the context of asylum seekers and refugees in Turkey. Almost all implementation of the case plan requires state referral in cases exceeding the capacity and services of the CSOs. For instance, Respondent 15 stated that:

Of course, at certain points, we see that state institutions can provide the most permanent and sustainable solutions. Civil society already accepts this. The permanent and sustainable solution should be made by state institutions. For example, when you see a child neglect abuse, we refer you to MofLSS for family work and social services. In a case of violence, we interview with Violence Prevention Centres at the police station and make directions. In programs related to identity, such as with the PDMM, Child Centres for children with disabilities. social service centres. ... We make referrals to state institutions that refugees can also benefit from or that can be a solution to refugees' problems.⁹⁵

⁹⁵ Tabii ki belli noktalarda En temel kalıcı ve sürdürülebilir çözümleri Devlet kurumlarının yapabildiğini görüyoruz. Zaten sivil toplum da bunu kabul eder ya evet ya kalıcı ve sürdürülebilir çözümü devlet kurumları yapmalı. Örneğin bir çocuk ihmal istismarı gördüğünüzde ASPİM'e aile çalışma, sosyal hizmetlere yönlendirme yapıyoruz. Bir şiddet vakasında ŞÖNİM'le karakolla görüşüyoruz, yönlendirmeler yapıyoruz. Kimliğe dair programlarda İl Göç İdaresi ile, engelli çocuklarda rehberlik araştırma merkezlerinden gibi gibi. SYDV'ler, sosyal hizmet merkezleri ilgili tüm kurumlardan, devlet kurumlarından. Mültecilerin de faydalanabileceği ya da mültecilerin problemlerine çözüm olabilecek devlet kurumlarına yönlendirmeleri yapıyoruz.

Seeing that state institutions are required almost for all forms of protection needs, cooperation with state-led services is vital for CSOs in Turkey. Some of the respondents claimed that the prejudice of public authorities against CSOs working with refugees eased over time. One of the reasons that is put forward regarding this argument was that transferring some of the burden on the public institutions to CSOs would also reduce the burden on the public service providers. For instance, Respondent 20 stated that:

I think there is a certain amount of bias related to working with NGOs or working with United Nations agencies. But I also think that we are in a relatively better position. For example, the Department of Migration Management I work with says to CSOs that "We will give you authority, please enter the field, as long as you want to work in the field" -which is what someone from the General Directorate says. I think this is such a positive thing because that's how the models are already implemented in the world. ... The state guarantees rights with authority and law, etc., but transfers some of the authority to certain institutions, or shares it with certain INGOs or CSOs. This is something that will actually ease the state's job.⁹⁶

As most of the way to the rights of asylum seekers and refugees is through registration, it was argued by the respondent that Directorate General of Migration Management and provincial directorates are one of the most active institutions that CSOs cooperate with. Especially after transferring the registration of international protection applicants to the DGMM, all actions taken in the name of protection eventually have to be directed to the DGMM.

Police forces and armed forces are other state referral mechanisms that CSOs cooperate for the beneficiaries who have urgent or non-emergency safety needs. Some of the CSOs' field offices in the coastal regions also cooperated with gendarme and coast guard regarding border crossing. Violence Prevention and Monitoring Centres (ŞÖNİM) are other institutions referred to by CSOs through

⁹⁶ Belli bir miktar önyargı olduğunu düşünüyorum STK'larla çalışmak ya da Birleşmiş Milletler kurumlarıyla çalışmakla alakalı ama görece daha iyi bir noktada olduğumuzu da düşünüyorum açıkçası. Hani mesela benim çalıştığım Daire Başkanlığı Göç İdaresi'nde bayağı diyor ki STK'lara, "Biz size yetki vereceğiz nolur alana girin, alanda çalışmak isteyin" falan yani hani, ki Genel Müdürlük'ten birisi söylüyor bunu, bu bence böyle hani şey bir şey olumlu bir şey çünkü dünyada zaten uygulanan modeller bu şekilde..... devlet otorite, kanunla hakları garanti altına alıyor vesaire ama bir kısmını da böyle, otoritenin bir kısmını belli kurumlara devrediyor olması ya da belli işte IO'larla ya da INGO'larla ya da NGO'larla paylaşıyor olması, devletin de aslında işini rahatlatacak bir şey.

police due to the high rates of SGBV cases among refugees. For instance, Respondent 7 stated that:

There are too many applicants who reach Violence Prevention Centres for security problems. Again, the number of applicants directed to shelters is high. But the first step in taking such measures is always the police station. In other words, a person should give a statement about security problems, that statement should be taken seriously, and the necessary actions should be taken by the police after that statement. Police stations are the first step in ensuring that foreigners have access to the right to security.⁹⁷

As it was mentioned before, due to the chronic poverty among the refugee population, Social Assistance and Solidarity Foundation and Social Service Centres are among the institutions that CSOs corporate and referred to. For instance, Respondent 7 argues that:

However, we talked about the issues that people apply to us most frequently, you know, people usually come to us with financial problems. Therefore, the protection mechanisms we most frequently refer to are the institutions on provincial social assistance. These are generally Social Assistance and Solidarity Foundations, and social service centres, depending on the structure of the province, working under the governorships.⁹⁸

The Ministry of Family and Social Policies, Ministry of National Education and Child Support Services are public service actors that CSOs corporates in order to provide services for children, families with children and women at risk. For example, Respondent 6 stated that:

If the person is unregistered after we identify, the immigration administration has a role in implementing the case plan. If there is an unaccompanied child in the case plan, what can be done in cooperation with Ministry of Family,

⁹⁷ Güvenlik problemleri için elbette ŞÖNİM'lere ulaşan danışanlarımız çok fazla oluyor, sığınma evlerine yönlendirilen danışanlarımız fazla oluyor yine. Bu tür önlemlerin alınması konusunda ancak birinci aşama her zaman polis karakolu. Yani bir kişinin güvenlik problemlerine yönelik bir ifadesini vermesi, o ifadenin işte ciddiye alınması ve o ifade sonrasında şey yapılması hani gerekli işlemlerin polis tarafından yapılması gerekiyor. Yabancıların özellikle güvenlik hakkına erişiminin sağlanması noktasında bir hani en önemli aşama her zaman ilk aşama daha doğrusu polis karakolları oluyor.

⁹⁸ Ancak genelde kişilerin bize hani en çok, en sık başvurduğu konulardan bahsetmiştik, hani mali problemlerle genelde kişiler bize geliyor. Dolayısıyla bizim en sık yönlendirme yaptığımız koruma mekanizmaları il bazında sosyal yardımlar konusunda yetkili kurumlar. Bunlar genelde Sosyal Yardımlaşma ve Dayanışma Vakıfları oluyor SYDV'ler kaymakamlıklara ve valiliklere bağlı olarak çalışan ilin yapısına göre, ve SHM'ler oluyor sosyal hizmet merkezleri.

Labor and Social Services or 183 comes into play, after reporting the case with them.⁹⁹

Hospitals and other Health Centres were also public service providers that CSOs referees for the beneficiaries with medical needs. However, according to the view of the respondents, referrals to the health services are a one-sided referral rather than a collaboration.

To put it briefly, most durable, and sustainable solutions were provided by the state institutions and therefore, referrals to state institutions were the most applied referrals in the implementation of the case plan. As registration to the state authorities are vital for reaching rights and services, DGMM and PDMM were one of the most referred institutions. In the cases of safety or threats police forces and prosecution offices were another widely referred mechanisms. Due to the poverty and lack of fulfilling basic needs, Social Assistance and Solidarity Foundation and Social Service Centres were also mechanisms that CSOs refers to.

5.1.4.4. Referral to other CSOs

There is a wide cooperation network between CSOs working with refugees in Turkey. These CSOs are organizations that work under the umbrella of the migration field, as well as organizations that provide services to both refugees and Turkish citizens in different scopes. It was observed that referral to another CSO has been observed when the CSO that monitors the case management of the applicant does not have the services and resources to meet the beneficiary's particular protection needs.

It was emphasized that it is important to know which institution provides what kind of assistance, in which field it works and its services. Moreover, it has been observed that CSOs refer cases to each other according to their budget status and the scope of their budgets. For instance, Respondent 16 stated that:

Organization D, which has a greater presence in Turkey, is another institution that we are in constant communication with. ... We get a lot of guidance

⁹⁹ Biz tespit ettikten sonra eğer kayıtsız durumdaysa, tespit ettiğimiz sırada yine vaka planının uygulanmasında göç idaresinin rolü kayıt için. Vaka planı kısmında belki atıyorum işte şeysen...Çocuğun... refakatsiz bir çocuksa mesela işte AÇSHİM'lerin, şu anki önceden ASPİM'lerin, 183'ün devreye girdiği, onlarla birlikte vakayı raporladıktan sonra, onlara bildirimini yaptıktan sonra daha doğrusu, neler yapılabileceği ile ilgili onların da yönlendirmesiyl, iş birliğiyle neler yapılabilir.

from Organization F and other CSOs working in the field like us. For example, in provinces where we were not present such as Eskişehir, we need to refer the cases to other CSOs in that province so that they can get one-on-one interviews. ... Trends are happening. "There's a lot of money in Organization D. Let's load it up this month. "That trend is ending. "The IOM is providing rent assistance. Did you hear? Let's go there." This kind of change happens all the time.¹⁰⁰

According to the views of the respondents, it was observed that CSOs tend to refer cases to each other rather than state led institutions. For instance, Respondent 8 indicated that:

But I think we are trying to live off with our own hump As CSOs, we actually prefer to refer the cases to each other. I think we try to get things done with each other rather than with external, public institutions. Another institution is trying to give what one institution can't. What one institution cannot deliver; another is trying to deliver.¹⁰¹

In brief, CSOs have the inclination of making referral to each other for several reasons. Firstly, their scope of projects and their people of concern may differ among CSOs. Therefore, assistance that one CSO cannot afford, the other can. The fact that referrals are easier among CSOs also reveals the solidarity among the CSOs.

5.2. Problems/Gaps/Issues Regarding the Implementation of Protection

In this theme, problems, gaps and issues in the implementation process of protection are analysed. Problems were evaluated based on the actors' perspective as actors who receive protection and actors who provide protection directly or indirectly. This part aims to explain the research question of what the reasons for the shortcoming of protection besides the blurred definition of UNHCR are.

¹⁰⁰ Türkiye'de daha çok varlık gösteren Organisation D sürekli iletişimde olduğumuz başka bir kurumdur. ... Organisation F ve diğer bizim gibi alanda çalışan STK'lardan da çok fazla yönlendirme alırız, ortaklaşa çalışırız. Bizim olmadığımız mesela illerdeki başka mesela bir vaka geldi Eskişehir'den, o ildeki diğer STK'lara yönlendirme yapmamız gerekir birebir görüşme almaları için. Trendler oluyor işte. Organisation D'de acayip para varmış. Bu ay ona yüklenelim. O trend bitiyor. İşte IOM kira yardımı veriyormuş. Duydunuz mu? Oraya gidelim. Sürekli böyle bir değişimler oluyor.

¹⁰¹ Ama sanırım biraz da kendi yağımızla kavramaya çalışıyoruz STK'lar olarak, yani birbirimizle aslında yürütüyoruz. Bence İşleri şeyden ziyade, dış,kamu kurumlarından ziyade birbirimizle halletmeye çalışıyoruz. Onun veremediğini o vermeye çalışıyor. Onun ulaştıramadığını,o ulaştırmaya çalışıyor.

Based on the interviews with the protection staff, six subtitles were studied: First title is problems regarding the applicant/beneficiary, second title is problems based on public institutions, third title is problems regarding the CSOs, fourth title is problems regarding INGOs and donor and fifth title is problems based on inter-communal relations. Issues derived from Global Pandemic formed another form of gap in the implementation of protection which analysed separately from the actors-based problems.

5.2.1. Applicant/Beneficiary Based Problems

As the main receiver of the protection activities, documented and undocumented refugees regarded as beneficiaries/applicants. Beneficiaries, as a member of the refugee community in the host country, also have responsibilities and obligations. These obligations are not limited to the obligations of living in the host country, but also include actions in order to attain a certain level of well-being. As the main actor implementing case plan management in order to meet protection needs, beneficiaries should cooperate with CSO regarding the case plan that outlined together with the protection staff. Although the beneficiary has a dominant role in the implementation, it has been observed that the beneficiary also has a share in the problems that arise in the implementation of the protection. Based on the views of the respondents, these are uncooperativeness of the applicant, unawareness of the applicant regarding the situation that needs protection and false statements and knowledge of the applicant.

5.2.1.1. Uncooperativeness of The Applicant/Beneficiary

Being cooperative with the CSOs was emphasized as one of the key roles for a successful implementation of the case plan. However, respondents mentioned that uncooperativeness, lack of communication or the resistance of the applicants prolongs or interrupts the implementation process. For instance, Respondent 6 stated that:

This is something that must go hand in hand. One of the most important things is to cooperate. They, too, must have accepted these directions, practices, and planning. Some may be very resistant to this. They can't accept. Especially during the follow-up is in the review process. Although we said, "You have to go to the immigration office for registration within a month," he may not have gone. So, expect it to be open to cooperation. At

this point, he also needs to be open to empowerment and be willing to take action regarding it.¹⁰²

Respondents also emphasized that some of the beneficiaries who are dependent on financial assistance from CSOs and constantly insist on receiving the assistance lead uncooperative and aggressive behaviour. In this instance, the participants stated that they generally apply methods such as transferring the case to another case worker or cutting off communication if the aggressive attitudes increase. For instance, Respondent 4 stated that:

Because of procedures, sometimes we cannot provide assistance to the applicant who have been assisted in a row, and there are applicants who get angry about it. There are also applicants who say bad things, become aggressive, or say things like "I will never come back" or "I will complain.". You know, this is out of place. This is something that complicates our work. Because. If we wanted to help, if we could, if there were opportunities... We are already volunteers as people working in this field. But due to some procedural and conditions in Turkey, we cannot provide assistance sometimes. But their reaction is towards us. Then, the applicant-counsellor relationship breaks down, and when something bad happens, the point we most likely prefer is to transfer it to another colleague. Or, in very extreme cases, we cut off the counselling. If there is such a thing as violence or are very serious threats... so applicants also have a responsibility; like cooperation¹⁰³

Respondents also stated that beneficiaries suspend existing problems as most of them are channelled into third country resettlement. For instance, Respondent 9 stated that:

¹⁰² Bu karşılıklı gitmesi gereken bir şey. En önemli şeylerden bir tanesi işbirliği içinde olması. Onun da bu yönlendirilmeleri, uygulamaları, planlamayı kabul etmiş olması lazım. Bazıları bu konuda çok direnç gösterebiliyor. Kabul etmeyebiliyordu. Takip, inceleme sürecinde yani. "Bir ay içinde kayda... Kayıt için göç dairesine gitmiş olman gerekiyor." dememize rağmen gitmemiş olabiliyor. Yani işbirliğine açık olmasını beklemek. Bu noktada ve kendisinin de güçlendirmeye açık olması, bununla ilgili onu da aksiyon almaya niyetli olması gerekiyor.

¹⁰³ İşte üst üste yardımlar yapılmış ve prosedürel olarak işte daha fazla yardım yapılamayacağını söylüyoruz ve buna sinirlenen danışanlar da oluyor işte. Kötü şeyler söyleyen, saldırganlaşan, bir daha gelmeyeceğim diye ya da şikayet edeceğim tarzı şeylerde bulunan danışanlar da oluyor. Hani bu bunu bu yersiz. Bu bizim işimizi zorlaştıran bir şey. Çünkü. Yardım etmek istesek, elimizden gelse, imkanlar olsa zaten çok gönüllüsü insanlarınız bu alanda çalışan insan insanlar olarak. Ama bazı prosedürel ve türkiyedeki şartlar dolayısıyla o yardım olmuyor ama. Onun tepkisi bize gelebiliyor. Ama orada işte danışan- danışman ilişkisi bozuluyor öyle kötü bir şey yaşadığında büyük ihtimal tercih ettiğimiz nokta şey oluyor. Bu danışanı ben görmiyim sen gör diye başka bir arkadaşına devretmek oluyor Ya da işte çok ekstrem durumlarda da Danışmanlığı kestiğimiz şeyler olabiliyor. Şiddet gibi bir şey varsa ya da çok ağır tehditler varsa.. o yüzden danışanların da sorumluluğu var; işbirliği gibi

While assessing the individual needs while making a case plan, sometimes problems may arise due to the beneficiaries. ... Sometimes the solution to all the problems of the beneficiaries may be like resettling in the USA. There are too many applicants trying to channel you, trying to manipulate in a certain way.¹⁰⁴

As it is observed based on the experiences of the respondents, applicants who cut off communication during the implementation phase of the case plan and approached CSOs afterwards with the same or multiple protection needs are also among the problems based on the applicants in implementation.

Uncooperativeness of the applicant harms the trustful relationship between the beneficiary and case worker/protection staff. Uncooperativeness also prolongs the case management process and leads to re-assessment of needs. This subgroup also highlights the importance of the communication between the two parties in the case management.

5.2.1.2. Lack of Self-awareness

It is also noticed that applicants approached CSOs for other priorities unnoticing their urgent protection needs. During the assessment step, protection officers detect urgent protection needs and include them to the case plan; however, beneficiaries usually prioritise their economic needs rather than urgent protection actions. For instance, Respondent 11 stated that:

Economic problems may prevent the detection of other sensitivities. Beneficiaries often come to us looking for solutions to their economic problems. However, they may have serious problems, but they say they don't want to talk about it. They can precede their economic problems. This turns service clouded.¹⁰⁵

¹⁰⁴ Vaka planı yaparken bireysel ihtiyaçları değerlendirirken, ee müracaatçılardan kaynaklı olarak bazen problem yaşanabiliyor...Ya, üçüncü ülke yerleştirmesi var ya şimdi, ona takılıyor gözüm sürekli de. Ee yani bazen danışanların bütün sorunlarının çözümü ABD'ye yerleşmek gibi olabiliyor yani hani sizi ee belli bir şeye ee kanalize etmeye çalışsan, belli bir şekilde manipüle etmeye çalışsan ee müracaatçılar çok fazla oluyor.

¹⁰⁵ Ekonomik sıkıntılar diğer hassasiyetlerin tespitinin önüne geçebiliyor. Danışanlar ekonomik sorunlarına çözüm arayarak geliyorlar genelde bize. Halbuki çok ciddi problemleri olabiliyor ama konuşmak istemiyorum diyorlar. Ekonomik problemlerini öncüleyebiliyorlar. Bazen şey yapabiliyor. Clouded hale getirebiliyor.

Moreover, it was seen according to the respondents' views that applicants who are suffering from psychological distress do not acknowledge their protection needs and accordingly do not implement the case plan. For instance, Respondent 21 stated that:

They do not accept that they need psychosocial support, and when it is not accepted, I cannot provide guidance. For example, some beneficiaries were telling their concerns to me, I say "it's very nice, let's help, I have a friend, tell him". But they do not accept, they want to speak to me. But my position there, my time or the support I gave there is not suitable for him,¹⁰⁶

An important outcome of this subgroup is the fact that some of the beneficiaries who not aware of the risks posed by their situation cannot share the risks they are in. In this case, the importance of the communication and interview skills of the protection officer comes in the place. Moreover, this outcome also highlights the importance of empowering the applicant in order for them to realise the risks.

5.2.1.3. False Statements and Knowledge

As it was mentioned in the experiences in case management subgroup, accurate assessment leads to an accurate case plan and implementation. An accurate assessment of the protection needs of the applicant is connected with the accurate statements of the beneficiary. Respondents stated that CSOs in Turkey always ground their case plans on the statements of the applicant. According to the experience of the respondents, in the cases where applicants hide their protection needs or give false statements, steer protection officers to false case plan. For instance, Respondent 5 indicated that:

We always accept the statement of the person as correct, but in fact, it may not always be correct. Therefore, there may be errors in the routing. More about identity or legal matters related to DGMM, for example. They can say that the immigration administration has never responded to them, but when we talk with the immigration administration, it turns out that some actions have already been taken regarding that case, and that the reason for not being accepted may actually be something different that they did not tell us.¹⁰⁷

¹⁰⁶ Psikososyal destek ihtiyacı olduğunu kabul etmiyor, kabul edilmeyince de yönlendirme- mesela geliyordu bazı yararlanıcılar bana anlatıyor, diyorum ki çok güzel hani yardımcı olalım arkadaşım var ona anlatın, ona anlatmıyor mesela, bana anlatmak istiyor. Ama benim oradaki pozisyonum, zamanım ya da orada verdiğim destek hani ona uygun değil,

¹⁰⁷ ikinci adımda oluşabiliyor çünkü kişinin beyanını biz her zaman doğru kabul ederek yönlendirmek diyoruz ama aslında her zaman Doğru doğru olmayabiliyor ve o yüzden yönlendirmede yanlışlıklar

Moreover, respondents highlighted that the flow of information between refugee committees is not always accurate. Consequently, occasionally applicants' approach CSOs and request actions regarding the false information. For example, information flows from the online network established by refugee groups of different nationalities may not always be correct and this may cause beneficiaries to question the accuracy of the information given to them by the CSOs.

It was mentioned in the previous subgroup that the importance of the trustful relationship between the protection staff and the applicant. Accurate information and correct statement are the basis of the establishment of this relationship. False statements can also prolong the case management progress and cause inaccurate case plans.

5.2.2. Public Institutions Based Problems

According to the obtained information, problems, issues, and gaps regarding the public service providers predominantly occur during the implementation of the case plan process. The shortcoming of public institution is another major gap during the implementation of protection.

Based on the experiences of the protection staff, these issues are based on changing implementation from province to province, difference in the implementation of the laws and regulations, uncooperativeness of the public service providers, transitions of the refugee status determination and resettlement procedures to DGMM and lack of knowledge and antipathy of the staff working in the public service providers.

5.2.2.1. Changing Implementation from Province to Province

According to the experiences of the respondents, there are no standardized implementations of public service providers even though most of the public service providers have centralized structure as the central authority appoints local representatives. Local authorities create their own implementation by operating away from the decisions taken from the central authority. The participants stated that in

çıkabiliyor. Ee bazan atıyorum daha çok kimlikle veya göçle ilgili hukuki şeylerde mesela. yani göç idaresinin atıyorum kendisine hiç cevap vermediğini falan söyleyebiliyor ama göç idaresiyle görüşüldüğünde Zaten o vakayla ilgili bazı işlemler yapıldığını kabul edilmeme sebebinin aslında bize anlatmadığı farklı bir şey olabildiği ortaya çıkıyor.

addition to the practices that vary from province to province, the implementation of services also vary from district to district, and even from person to person. For instance, Respondent 12 stated that:

In the implementation of the case plan, when we refer it to external institutions and public institutions, we encounter application changes on the basis of cities and regions. There is no standard. Practices vary from officer to officer, from city to city, from county to county. In other words, the behaviour of one policeman is not the same as the behaviour of another policeman. ... The attitude in the hospital in Erzurum is not the same as in the hospital in Ankara.¹⁰⁸

Due to these changing practices in local public services, the participants stated that they are trying to establish good relations with these service providers. For example, Respondent 11 stated the following regarding the consequences of having poor relationship with the local service providers:

We have seen that our chances of helping refugees are reduced in places where our relations with public institutions are bad. That the impact of the counselling we provide to refugees has diminished. Therefore, the relationship with the public institution depends entirely on the local person. Relations with the actors there are very dynamic and very rigid.¹⁰⁹

Implementation of services by the public service providers changes from city to city as well as public officer to public officer even though the public officers were appointed by the central authority. This lack of standards causes issues in the implementation of the case plan as attitudes of the public services is changing based on the region and officer.

¹⁰⁸ Birincisi vaka planının uygulanması, yani dış kurumlara, daha doğrusu kamu kuruluşlarına yönlendirdiğimiz zaman şehir ve bölge bazında uygulama değişiklikleriyle karşılaşıyoruz. Bir standardı yok. Memurdan memura, şehirden şehre, ilçeden ilçeye değişiyor uygulamalar. Yani bir polisin tavrıyla diğer polisin tavrı aynı olmuyor. Bir savcının tavrı ile- gene savcılıkla daha iyiyiz ama- işte ne bileyim ben bir hastanedeki tavrıyla... Erzurum'daki hastanedeki tavrıyla Ankara'daki hastanedeki tavrı aynı olmuyor.

¹⁰⁹ kamu kurumlarıyla ilişkimizin kötü olduğu yerlerde mültecilere yardımcı olma şansımızın azaldığını gördük. Mültecilere olan danışmanlığımızın etkisinin azaldığını. Dolayısıyla yani kamu kurumu ile olan ilişki tamamen yereldeki kişiye bağlı oluyor. Orada da yani aktörlerle ilişkiler Çok dinamik ve çok sert.

5.2.2.2. FIPL and Difference in its Practice

Patterns regarding the difference between Law on Foreigners and International Protection, other laws that protect refugees and Turkish citizens and their implementation were analysed based on the experiences of the participants. It was stated by the participants that protection services do not run down properly since public actors do not implement the protection mechanisms in accordance with the standard procedures specified in the laws. For instance, Respondent 16 stated that:

In other words, the periods determined in the law, the form determined in the law and the application can be opposite. And when we try to implement them, unfortunately, nothing comes out. In other words, what is determined in the law and what PDMM and public institutions implement can be very different. And in other words, the problems we encounter in these periods are always due to inadequacies. It actually stems from the fact that public institutions do these things too slowly or casually due to staff shortages and budget inadequacies.¹¹⁰

Moreover, according to the respondents, recent changes in LFIP since 2019 hinder the vital protection services for beneficiaries such as closure of health insurances 1 year after applying for international protection. For instance, Respondent 22 stated that:

Some laws definitely need to be rearranged and re-discussed. The amendments to the Law on Foreigners and International Protection, which were actually published at the end of 2019, are very weird. In fact, there was a great crisis in Turkey due to the reduction of the objection periods and the General Health Insurances, which were suddenly closed.¹¹¹

Except for the past changes about health insurance of the international protection applicants and the appeal dates, FIPL is regarded as a comprehensive law in terms of its provision of rights and services. However, as it is mentioned in the previous

¹¹⁰ Yani yasada belirlenen süreler ile, yasada belirlenen şekil ile uygulama taban tabana zıt olabiliyor. Ve biz bunları uygulamaya çalıştığımız zaman maalesef bir şey de çıkmıyor. Yani kanunda belirlenen şeyle, İl Göç İdare'lerinin, kamu kurumlarının uyguladığı şeyler çok farklı olabiliyor. Ve yani bu dönemlerde karşılaştığımız genelde sıkıntılar hep yetersizliklerden. Eleman yetersizliklerinden, bütçe yetersizliklerinden dolayı kamu kurumlarının bu işleri çok yavaş veya alelade yapmasından aslında kaynaklanıyor.

¹¹¹ Bazı kanunların kesinlikle yeniden düzenlenmesi, yeniden tartışılması gerekiyor. Yabancılar ve Uluslararası Koruma Kanunu'nda aslında 2019'un sonunda yayımlanan değişiklikler, ya çok büyük garabet onlar. Hani bu şey itiraz sürelerinin düşürülmesi, işte SGK ya Genel Sağlık Sigortası meselesinde bir anda böyle kapanan Genel Sağlık Sigortaları sebebiyle çok büyük bir kriz oldu aslında Türkiye genelinde.

subgroup, the differences in the implementation of the law by the public service providers, especially PDMM, hinders the standardization of services. This instability not only creates confusion, but also prevents producing similar solutions to similar problems.

5.2.2.3. Uncooperativeness of Public Service Providers

Uncooperativeness of public services with CSOs and incoordination within the public institutions is observed as one of the major obstacles in the implementation of protection. According to the respondents, as public institutions are not performing their duties, they are assigning their duties to each other without any basis of regulation. Respondents stated that this incoordination within the institutions and uncooperativeness burdens CSOs and instead of making policy, CSOs try to provide coordination among the institutions for the sake of the beneficiaries. For instance, Respondent 2 indicated that:

Institutions assign the workload to another institution in order not to do business. ... This is what I had the most difficulty with on the field. Otherwise, although the steps I will take in line with the training I have received are very clear, it suffers because there is no work done in the institutions. Otherwise, everything we have been taught is not something that cannot be done on the field.¹¹²

Respondents also stated that this non functionality unsettles CSOs as they hesitate to take the necessary actions in order to eliminate the non-functionality. It is also observed that state institution does not recognize the “complementary” aspect of CSO’s. Respondents often state that when they do advocacy or advise to state institution, they encounter with negative reactions. For instance, Respondent 16 stated that:

The state is such an institution that it does not accept the working logic of NGOs in Turkey anyway. In other words, what you call NGOs are the institutions that both put the state's functioning and the functioning of the institutions on a certain path and support them as complementary parts of the

¹¹² Kurumlar iş yapmamak üzerinden atıp başka bir kuruma. Bu benim işim değil, şu kurumun işi gibi birbirinin üzerine atma, durumları söz konusu oluyor. Benim sahada zorlandığım şey en çok zorlandım bu. Yoksa aldığım eğitimler doğrultusunda atacağım adımlar çok belli olmasına rağmen kurumlarda iş yapılmaması ve iş yapılmadığı için sekteye uğruyor. Yoksa aslında bize öğretilen her şey sahada da yapılabilir bir şey değil.

missing parts of the state. What do you do in this respect, if there are things that do not work well, you step in that part and make the parts that do not work well work a little more. or in order to correct them, lawsuits are filed and objections are raised. You try to improve the functioning of the state, a little more human rights, human rights advocacy from our point of view. But when you get involved in the functioning of the state, when you try to fix it, you get a reaction. Facing backlash doesn't mean anything by itself, but the future of the Institution can be in trouble. In other words, if we open lawsuit too much, if we act too much to irritate the institutions, then certain permissions of the institution we work in will be endangered... -Everything depends on permission, by the way.- It becomes difficult to get certain permissions and certain approvals.¹¹³

Most of the public officials in Turkey have behaviours that we can almost call "prejudice" against refugees. This is not only limited with refugees, but they also do not accept the way civil society organizations work and do not prefer to cooperate with them. Therefore, CSOs cannot fulfil their duty of complementing public organisations. In addition, public actors also assign their duties which is determined by the law to other public actors which causes a confusion as well as prolongs the necessary protection actions.

5.2.2.4. Transferral of Registration

Full transfer of registration and determination of refugee status and resettlement is observed as another issue in the implementation of protection. Respondent stated that registration and identification process were extended, and it led to an increase in the undocumented migrants. Extension of registration process also deprived migrants from the major way that will be able to obtain their rights. For instance, Respondent 12 stated that:

¹¹³ Devlet öyle bir kurum ki Türkiye'nin içerisinde zaten STK'ların çalışma mantığını kabul etmiyor. Yani STK dediğin şey devletin eksik kısımlarını- Her zaman değil ama- devletin eksik kısımlarını tamamlayıcı parçalar olarak hem devlet işleyişini hem kurumların işleyişini hem belli bir yola sokan hem de bunları destekleyen kurumlardır. Bu açıdan ne yaparsın, iyi yürümeyen işler varsa sen o kısımda devreye girersin ve iyi yürümeyen kısımların biraz daha yürümesini sağlarsın. ya da düzeltmek amacıyla İşte davalar açılır, itirazlar edilir. Devlet işleyişini düzeltmeye çalışırsın biraz daha insan hakları, Bizim açımızdan insan hakları savunuculuğu. Ama yani devletin işleyişine karıştığın zaman, bir düzeltme çalıştığın zaman tepkiyle karşılaşıyorsun. Bu açıdan hem zaten tepkiyle karşılaşmak tek başına bir şey ifade etmiyor ama hani Kurumun geleceği sıkıntıya girebiliyor. Yani biz çok fazla eğer ki dava açarsak, çok fazla kurumları irrite edici hareketlerde bulunursak o zaman içinde çalıştığımız kurumun belli izinleri işte... -Her şey izne bağlı bu arada.- belli izinleri ve belli Onayları alması zorlaşıyor. Alamıyor ve işlevselliğini kaybediyor.

We are currently experiencing major problems in the identification phase. This is one of the biggest problems I have observed in the field after the registration was closed. Unregistered applicants are actually one of the biggest problems that troubles us in protection. So, it is very difficult to help a person with no ID. It's impossible for us to do this. The state does not see a person without an identity. As such, it must be a legal document.¹¹⁴

It is also argued by the respondents that PDMM employees who have been inducted by the central authority, do not have the capacity and skills to detect protection needs or meet the needs of the beneficiaries. For instance, Respondent 14 indicated that:

Although the Registration Process is carried out by the DGMM, I do not think that these protection desks are as effective in needs assessment and making referrals as in Organisation A. Let me give an example. For example, a person is going to Sivas right now, registering there, and the protection desk is interviewing with this person. For example, let's say this person is LGBT. He is registered and stays in Sivas. But Sivas, for example, is not an LGBT friendly province.¹¹⁵

Furthermore, it was stated that the registration is done by the state authority makes the situation biased and prevents the protection from functioning in an objective way. For instance, Respondent 20 indicated that:

I don't think it is very right for the country's own authority to register because they are biased. Because they rightly want immigrants not to come in order to maintain the peace and order of their country and therefore, they are a little too strict. For example, they can ignore something that actually happens, or they can be a little more sensitive about something that doesn't exist. At this point, country policies affect each other.¹¹⁶

¹¹⁴ Şu an kimliklendirme aşamasında büyük sorunlar yaşıyoruz. Sahada benim kayıt kapandıktan sonra gözlemlediğim en büyük sıkıntılardan biri bu. Kimliksizlik de aslında korumayı başlatamayan ya da koruma konusunda bizi zorlayan en büyük sorunlardan biri. Yani kimliksiz bir kişi için yardım yapmak çok zor. Bunu yapmamız imkansız. Devlet görmüyor yani kimliksiz bir kişiyi. haliyle yasal bir belgelendirme olması şart.

¹¹⁵ Kayıt Süreci, Göç İdare tarafından yapılsa da Çoğu Göç İdaresi'nde Koruma Masası' olsa da, bu koruma masalarının Organizasyon A'da olduğu kadar hassasiyet tespitinde ve yönlendirme yapanmalarda çok etkili olduğunu düşünmüyorum. Kişisel olarak,yani şöyle bir şey de vardır. Bir örnek vereyim. Bir kişi şu anda mesela Sivas'a gidiyor ve orada kayıt oluyor ve. Koruma masası da bu kişiyle görüşüyor. Aslında. Mesela bu kişi diyelim ki LGBT'lidir. Tamam mı? kayıt yapılıyor ve Sivas'ta kalıyor. Ama Sivas mesela LGBT friendly bir il değildir.

¹¹⁶ Ülkenin kendi otoritesinin yapmasının çok doğru olduğunu düşünmüyorum çünkü taraflı oluyorlar. Çünkü haklı olarak böyle hani ülkelerinin böyle dirlik ve düzenini korumak için böyle çok fazla göçmen gelmesin işte istiyorlar ve o yüzden de birazcık fazla strict oluyorlar yani hani gerçekten olan bir şeyi mesela çok görmezden gelebiliyorlar ya da olmayan bir şeyle alakalı bir tık daha böyle fazla sensitive olabiliyorlar yani hani ülke politikaları birbirini etkiliyor bu noktada.

All in all, transference of registration and refugee status determination to state authority is done immediately, the problems arising from this are observed even after 3 years. Deficiency in capacity, supervision, prejudice and the intensity of refugee flow caught short on PDMM and lead to an increase in undocumented migrants as well as cause adequate protection actions not to be taken.

5.2.2.5. Lack of knowledge and Antipathy of the Staff

The antipathetic attitude of public officials towards refugees and institutions working with refugees is observed as another obstacle towards the implementation of protection. As it was mentioned in the previous subgroups, employees of the public institutions appointed through public personnel selection examination or appointed by the central management which lead to incompetent staff regarding humanitarian work. Respondents stated that beneficiaries encountered hate speech and xenophobia from the staff in public institutions.

Refugees that are belong to marginalized groups such as belonging to LGBTI+ community, encountered with hate speech and their needs regarding to being LGBTI+ are ignored. For instance, Respondent 4 stated that:

Since my field is LGBT+ protection, I actually have a hard time with public institutions in Turkey. Especially when there is a case of discrimination or violence, I have a hard time directing it to the police. We definitely send them with an interpreter, and when we do not send it with an interpreter, we encounter things like the police complaints are not received.¹¹⁷

Negative attitudes of public officials towards refugees and CSOs is another issue that prevents the implementation of protection. This negative attitude can cause by the central appointment system regardless of the interest and the skills of the public officers. Moreover, LGBTI+ refugees who belong to a group that is already marginalised in Turkey can encounter hate speech and arbitrarily behaviour from the public officials.

¹¹⁷ Benim alanım LGBT+ koruma olduğu için aslında Türkiye'deki kamu kuruluşlarıyla ilgili çokça zorlanıyorum. Özellikle bir ayrımcılık, şiddet vakası olduğunda polise yönlendirmekte zorlanıyorum. Mutlaka zaten şey yapıyoruz bir tercüman eşliğinde gönderiyoruz, tercüman eşliğinde göndermediğimizde zaten şikayetleri alınmıyor gibisinden şeylerle karşılaşıyoruz.

5.2.3. CSOs Based problems

Based on the experiences of protection staff, CSO based problems were highlighted in detail given their first-hand experience. Issues regarding CSOs in the implementation of protection were highlighted as overload of the cases, limited knowledge and skills and burn out of the protection staff, problems regarding monitoring and evaluation, lack of community-based protection, lack of coordination among CSOs and the lack of advocacy

5.2.3.1. Problems Regarding to Staff

Respondents stated that the number of cases per staff is too high due to the great number of beneficiaries. Therefore, the respondents stated that they could not show the same attention to every case, and they prioritize the cases with higher risks. Moreover, due to the number of cases, the follow up part of the case management cannot be maintained. For instance, Respondent 12 stated that:

Our workload is so heavy and intense that we can't always show the same interest and relevance to every case in the same way. So this is not very possible in terms of protection anyway. But for example, can we show the same level of attention for every severe case? I think it's debatable. I think our daily work routines affect this. The number of cases affects this. The dynamics of that day affect this. How strong we are financially, how much we have a budget; this is very effective.¹¹⁸

It is also observed that there has been a lack of human resource and thus, protection staff is responsible for the supervision of the field officers and the cases within the field. Therefore, protection officers proceed the protection actions quicker than it is supposed to be. For instance, Respondent 7 indicated that:

In order to do better supervision and to be better as an institution, to provide a more humane working environment for our colleagues working in the field, to reduce these burnouts, the number of cases per person should actually decrease to a normal number. But I don't know how this is possible under these conditions. Because as a supervisor it doesn't make sense for me to be

¹¹⁸ iş yükümüz o kadar çok ve yoğunuz ki her zaman aynı şekilde her dosyaya aynı ilgiyi ve alakayı gösteremiyoruz bence. Yani bu da çok mümkün değil zaten koruma açısından okey? ama mesela her ağır vaka için aynı seviyede mi ilgi gösterebiliyoruz? Bence tartışılır. Gündelik iş rutinlerimizin bunu etkilediğini düşünüyorum. Yani vaka sayısı bunu etkiliyor. Onun dışında. O gün içerisinde olan dinamikler bunu etkiliyor. Mali olarak ne kadar kuvvetli, bütçemiz ne kadar var, bu çok etkili oluyor

responsible for the supervision of three hundred people. It means that I cannot do this job qualified in any way. Likewise, it doesn't make sense to expect a caseworker in a field to follow up on 300 cases per month.¹¹⁹

Since it is necessary to take quick action due to the workload, protection workers stated that they sometimes have problems in getting the opinions of the beneficiaries and that they can dictate the actions to the beneficiary. For instance, Respondent 19 stated that:

If we were not serving such a large refugee population, if we were working with relatively smaller groups, it could have been done at a point where the applicant would be guided a little more, the staff could use his time a little more flexible, or maybe the coordination was better and tighter with government agencies. But sometimes it was as if we were dictating the applicant.¹²⁰

Based on the experiences of the respondents, due to the fact that some of the personnel employed in this field did not graduate from the relevant department, respondents do not share the same perspective and work discipline with some of the protection officers in dealing with cases. For instance, Respondent 15 mentioned that:

The fact that the employed personnel working in this field are selected from irrelevant departments from time to time. It can be challenging sometimes. I can say this. ... I think it is important that my approach is in the same discipline – that is, in line with the work discipline – in the same perspective as the coordinators.¹²¹

¹¹⁹ Hem süpervizyonu daha yapmak için hem kurum olarak daha iyi olmak için, hem saha arkadaşlarımızın sahada çalışan arkadaşlarımıza, daha insancıl bir şekilde çalışmaya çekmemiz için, bu burn-outları azaltmak için aslında kişi başı vaka sayısının normal bir randımına inmesi gerekiyor. Ama şu şartlarda bu nasıl mümkün olur bilmiyorum. Çünkü bir süpervizör olarak benim üç yüz kişinin süpervizyonundan sorumlu olmam mantıklı bir şey değil. Hiçbir şekilde bu işi nitelikli yapamayacağım anlamına gelir. Aynı şekilde bir sahadaki vaka çalışanından ayda 300 vakayı takip etmesini beklemek anlamlı bir şey değil.

¹²⁰ Eğer bu kadar büyük Bir mülteci popülasyonuna hizmet vermiyor olsaydık, görece daha küçük gruplarla çalışıyor olsaydık biraz daha Danışanın yönlendireceği, hem danışmanın vaktini biraz daha esnek kullanabileceği ya da belki koordinasyonun devlet kurumlarıyla daha iyi, daha sıkı olduğu bir noktada yapılabilirdi. Ama biraz danışanı bazen dikte ediyor gibi oluyorduk.

¹²¹ Bir diğer kısmı da. İstihdam edilen yani bu alanda çalışan istihdam edilen personelin irrelevant bölümlerden zaman zaman seçilmiş olması. Bazen zorlayıcı olabiliyor. Bunu söyleyebilirim.....Bu koordinatörler ile aynı perspektifte yaklaşımım aynı disiplinde yani iş disiplini olarak aynı doğrultuda olmanın önemli olduğunu düşünüyorum.

Moreover, it is observed based on the answers of the respondents that staff who start and continue to work in this field need to go through serious training because some of the staff do not show the necessary attention that should be shown to a serious case due to lack of knowledge. Moreover, it has been observed that the number of experienced protection staff is not adequate as the personnel working in the field is constantly renewed. It has been observed that some of the experienced staff who worked in the CSOs for years has left for bigger INGOs or IGOs.

It has been observed that protection staff often feel remediless if they consume all the protection pathways. Participants stated that one of the biggest challenges they faced during the implementation of protection was to tell the beneficiary that "there is nothing to be done". For instance, Respondent 6 stated that:

Cases that I wanted to protect but were tied up and watched just as a helpless witness. In fact, I went as a protection officer, the cases that I turned into witnesses, especially the severe cases. Let's say it is a necessity arising from the nature of things and what Turkish institutions can do, both by Organisation A, by UNHCR, and by UNICEF.¹²²

In addition, one of the former protection staff stated that unsolvable cases have solutions, however, due to the political environment, cases become unsolvable.

The thing that challenged me the most was these unsolvable issues that actually had a solution. So there may be a solution to this, "Let's go talk or make such an application, let's write such a petition." No. I can say that the limitation of our own internal control mechanism is the most challenging thing for me, maybe even the reason why I quit this field.¹²³

To sum up, the number of cases per protection officer is too high to implement an efficient case plan and the workload due to the number of cases causes burnouts and secondary trauma to the protection staff. This leads to shortcoming in protection where supervision is needed in order to prevent the inefficiency. Moreover, unskilled

¹²² Korunma sağlamak istediğim fakat elinin kolunun bağlandığı ve Sadece çaresizce tanık gibi İzlediğim dosyalar. Koruma görevlisi olarak indiğim aslında ama aslında tanıklığa dönüşen vakalar ve ağır olanlar özellikle. Yani bu tanıklığa dönüşmek dönüştürülmek Hem Organizasyon A içinde, hem UNHCR tarafından hem gerekse UNICEF Tarafından hem eşyanın tabiatından, hem türk kurumlarının yapabileceklerinden doğan bir zaruret olarak tanıklık diyelim.

¹²³ Beni en çok zorlayan şey bu çözümsüz diye adledilen aslında çözümü olan konulardı. Yani bunun böyle bir çözümü olabilir gidip konuşalım veya böyle bir başvuru yapalım, böyle bir dilekçe verelim. Hayır. İşte bazı politik sebeplerle bazı konuların altına taşın altına elini sokmamaktan tut, kendi iç denetim mekanizmamızın sınırlayıcı olması beni en çok zorlayan şey, hatta belki bu alanı bırakmama sebep olan şey diyebilirim

and unspecialised protection staff also effect the efficiency of protection in the implementation. In addition to this, staff is not working for long term due to the workload and short-term projects and this causes inexperienced staff to implement case management.

5.2.3.3. Problems Regarding to Monitoring and Evaluation

Monitoring and Evaluation, shortly known as M&E, method of evaluating the effectiveness of non-governmental organization (NGO) initiatives, institutions, and programs. respondents indicated that it was delayed for CSOs to start reporting, analysing, evaluating, and using all these years of data sources in a useful way. For instance, Respondent 2 stated that:

Because Organisation A is quite.... It is an institution that has been working in this field for years and has the experience that no CSO in Turkey has had. Organization A knew the registration and worked with the DGMM and has a protocol and so on. It is the largest CSO in the field and it has the highest number of employees and a very good data source. If you have so many employees, it means you reach as many refugees as possible. That's why it actually has a great source of data, but I think we fell far behind in pouring this into academic studies and so on.¹²⁴

Participants stated that due to the workload, the necessary importance was not given to reporting and monitoring and it was seen as additional work. For instance, Respondent 21 indicated that:

The reporting process is very troublesome. ... Yes, it should, but it creates something incredible in the workload, that is, it takes up a volume. You know, it occupies one of the largest volumes in that workload bubble, because you are already interviewing with people, referring them. Also, you have to write down everything you do one by one.¹²⁵

¹²⁴ Çünkü Organization A oldukça.... kaç yılından beri sadece bu alanda çalışan bir kurum ve hiçbir Türkiye'de hiçbir STK'nın sahip olmadığı deneyime sahip. İşte kayıdı biliyo kayıt almış, işte Göç İdaresi ile çalışmış ve protokolü var vesaire. Bir sürü sahada en geniş STK'lardan en yüksek çalışan sayısına sahip STK ve çok güzel bir veri kaynağı var. Bu kadar çalışanla, bu kadar çalışanın varsa demek ki bir o kadar da danışanın... mülteciye ulaşıyorsunuz demektir. O yüzden aslında elinde harika bir veri kaynağı var ama biz bence bunu akademik çalışmalara vesaire dökmekte veya bunu yapmakta çok geride eksik kaldık bence.

¹²⁵ raporlama süreci bir kere çok sıkıntılı. Ya şu açıdan sıkıntılı, evet olması gerekiyor ama iş yükünün içinde inanılmaz bir şey oluşturuyor yani bir hacim kaplıyor yani öyle söyleyeyim, hani o iş yükü balonunun içindeki en büyük hacimlerden birini kaplıyor çünkü zaten insanlarla görüşmek işte yönlendirmek, onlar bir zaman, bir de bu yaptığın her şeyi böyle tek tek yazman gerekiyor.

Moreover, it is observed by the responses of the participants that lack of needs assessment before the start of the projects are common among CSOs working in the migration field. This leads to prevention of measuring the impact of the project, the changes and other actors. For instance, Respondent 11 stated that:

We do not know the instantaneous impact we have created on the field. We know in the context of projects. Projects usually do not happen with a preliminary study. It is not possible to compare the beginning of the project with the end, as studies called needs assessment are not carried out. For example, there is a UNHCR project that has been going on for years. Right now, we're all working. But has the initial needs assessment study been done? How much was done? Is there any data that can be compared? If there is an improvement, how much and to what extent, in which regions and so on. I don't think it's very well known.¹²⁶

Given that the answers of the respondents, the importance given to M&E by CSOs has been increasing in recent years. There is a lot of experience and undistilled data from CSOs in the refugee field. However, these data have been processed in recent years and are still not being processed effectively. One of the reasons of inefficient M&E among CSOs is the fact that the protection staff cannot concentrate on reporting activities due to the case density. Nevertheless, it has been observed that these activities are given more importance due to the understanding of the importance of reporting and accountability.

5.2.3.4. Lack of Community Based Protection Activities

As it was mentioned in the previous chapter, protection is more than individual case management and individual actions for the beneficiary. It was observed based on the experiences of the respondents that CSOs in the migration field lag community-based protection. For example, Respondent 19 stated that:

The protection framework in the CSO that I worked before was a bit limited with response. In fact, when we look at the activities of the general non-governmental organization, there were many psychosocial support activities,

¹²⁶ Yani sahada anlık olarak bizim yarattığımız etkiyi biz bilmiyoruz. Projeler bağlamında biliyoruz. Yani o projelerin hedefleri bir ön çalışması ile olmuyor genelde projelerin. Needs assesment denilen çalışmalar yapılmadığı için projenin başıyla sonu karşılaştırmak mümkün olmuyor. Yani yıllarca süren bir UNHCR projesi var mesela. Şu anda hepimizin çalıştığı. Ama başındaki needs assesment çalışması yapıldı mı? Ne kadar yapıldı? Karşılaştırılabilecek bir veri var mı? Bir iyileşme varsa ne kadar ve ne ölçüde, hangi bölgelerde var falan. Çok bilinebileceğini zannetmiyorum.

empowerment and so on - which are the things of protection - but we were working on a little more needs assessment and referral to the relevant places as protection.¹²⁷

Respondents from Organisation A mentioned that community-based protection activities such as focus groups discussions for specific groups such as LGBTI+ community, single women are practiced. In focus group discussions, beneficiaries with common background and common needs discuss their needs and what needs to be done in order to eliminate their needs. For instance, Respondent 6 stated that:

We were trying to make focus group meeting with child and LGBTI+ cases. But as an organisation, we should have responsible from the coordination, maybe. But it was also very, as I said, something that was not structured again. ... For example, focus group sessions were held on Somalian women in order to produce something more community based. To increase their resilience. But I'm not sure if it's finished or not. Same for the LGBTI+ community. We were trying to encourage that the gathering of LGBTI+ opinion leaders.¹²⁸

In addition to this view, respondents stated that community-based protection is not only based on focus group discussions but also policy making for beneficiaries. However, CSOs in Turkey fall behind in terms of community-based protection because they focus more on individual case management.

Although CSOs have given importance to community-based protection activities such as focus group discussion in recent years, based on the answers given by the participants, it is revealed that protection proceeds in a more responsive and case-by-case manner. Although protection is defined as empowerment in the first theme, these empowering activities are lacking in community-based protection and are more need-oriented.

¹²⁷ Ama bir önceki çalıştığım Sivil toplum kuruluşlarındaki koruma şeyi, Çerçevesi biraz daha, responsela sınırlıydı. Aslında genel sivil toplum kuruluşunun faaliyetlerine baktığımızda birçok psikososyal destek aktivitesi, güçlenme vesaire yapılıyordu - ki bunlar korumanın şeyleri- ama koruma olarak biraz daha hassasiyet tespiti ve ilgili yerlere yönlendirme üzerine çalışıyorduk.

¹²⁸ Ama yani işte child ve LGBTI de biraz yapılmaya çalışıldı ama biz merkez olarak hani orada koordine etmeye çalışmak gibi bir yükümlülük olabilirdi belki ama o da çok, dediğim gibi, yine structured olmayan bir şeydi. Yani ya da kadınlarla ilgili. Mesela Somalili kadınlara ilgili focus group sessionlar yapıldı daha community based bir şeyler üretebilmek için. Onları resilience'ını arttırabilmek için. Ama onun sonu geldi mi tamamlandı mı ondan emin değilim. Bizim için de aynı şekilde... İşte sahalarda bunu encourage ediyorduk LGBT konusunda böyle böyle yapalım işte kanaat önderleri vs toplansın. Gurubun bir lideri olsun communication sağlamak için vs ama. dediğim gibi onları raporlamanın şeyi orada çıkıyor belki de.

5.2.3.5. Lack of Coordination among CSOs

Based on the interviews with the respondents working in the migration field, it is observed that there is a lack of communication among CSOs regarding the jointly run cases. Respondents stated that CSOs do not inform each other regarding the actions taken from applicants and this leads to overlapping actions for the same applicants. For instance, Respondent 10 mentioned that:

Let's suppose the case is referred from Organisation E or from Kaos GL, whereas that case is a case that I have been working with and have knowledge on for a very long time. For example, let's say I've already dealt with the case for 10 months. Then the same case is referred to me as follows: We have such a case, a very sensitive, LGBTI individual, minor. ... There is such a thing as a bureaucratic dysfunction in public administration. Overburdening with bureaucratic rules and loading cases can get in the way of practical solutions. ... That case's vulnerability, for example, continues to increase during this time.¹²⁹

Because of these duplications, there is a tendency that applicants may abuse the CSOs by requesting assistance from several CSOs for the same protection needs. For instance, Respondent 3 stated that:

We made the case plan and started to provide referrals and information. As I have just said before, applicant starts going to Organization A after leaving us, and to Organisation B after leaving Organisation A, since there is no common system, And applicant wants to get what they can get. I give the correct information, it goes to another institution, it gives wrong information, the problem starts there. I give an example: I say "wait for your ID, I will support you in 2 weeks". He goes to Organisation A and Organisation A says "I will solve this in 2 days". I'm already phased out from the case there, the case's trust in me is completely gone. When it is not resolved, they come to us again, this time they complain to us.¹³⁰

¹²⁹ Organizasyon E'den vaka yönlendiriliyor varsayalım veya Kaos GL'den, halbuki o vaka benim çok uzun süredir çalıştığım ve üzerinde bilgi sahibi olduğum bir vaka mesela diyelim ki, zaten ben ilgilenmişim 10 aydır vakayla. Bana vaka şöyle geliyor: Elimizde böyle bir vaka var, çok hassas, LGBTİ birey, minor. Peki vaka kim? İşte size bilgisini vermeden önce rızasını almamız lazım. Okay doğru. Ama hani kamu yönetiminde şöyle bir şey var: Bürokratik işlevsizlik diye bir şey. Fazla bürokratik kurallarla yüklenmek, vakaları yüklemek pratik çözümlerin çok önüne geçebiliyor. ... Hani çok basit bir isimle zaten çok yol alabilecekken, hani isim al, ilet, gönder falan derken o mağduriyet o sırada katlanmaya devam ediyor mesela.

¹³⁰ Vaka planını yaptık, iç yönlendirme- işte yönlendirmeleri, bilgilendirmeyi yapmaya başladık. Birincisi, az önce söyledim ya danışan nereden ne alabilirsem, ortak bir şeyi olmadığı için danışan bizden çıktıktan Organizasyon A'a, Organizasyon A'dan çıktıktan sonra İGAM'a gitmeye başlıyor. Aslında işte orada karışıklık oluyor. Ben doğru bilgilendirmeyi yapıyorum, başka bir kuruma gidiyor

Although it was stated in the first theme that CSOs mostly preferred to refer cases to each other, it was stated that there was a lack of coordination among these referrals. This lack of coordination leads duplication in the actions and re-assessment of the cases multiple times. These can both cause distrust and the regeneration of the trauma. Moreover, lack of coordination and information among CSOs may lead to beneficiaries using multiple CSOs for the same needs and disorientation in case management.

5.2.3.6. Lack of Advocacy

It is observed that there has been a lack of advocacy activity among civil society organizations to highlight the protection risks of refugees due to the complicated political environment in Turkey. Respondents stated that they have to prefer to eliminate protection needs of the beneficiary by making a compromise with the institutions rather than advocacy. For instance, Respondent 11 stated that:

For example, we did not encounter any handicap from the donor in advocating when dealing with a police officer. So far, no donor representative has said anything to me. In other words, they did not say, "Let's stay a little behind in advocacy or handle this case a little behind." However, I had a lot of in-house perception. In other words, I was restricted in-house to preserve their cooperation or to stay a little outside of the general political atmosphere in the country.¹³¹

In addition, Respondent 4 stated that:

It is also relevant in Turkish conditions. Maybe more, of course... Organisation A is very quiet though. He didn't put his hand under any stone all this time. I would have liked it for my organisation to have a bit louder. To produce at least some activism, at least a word. But it does not produce, and it

yanlış bir bilgilendirme yapıyor, sorun orda başlamaya şey yapıyor. Örnek veriyorum: Ben diyorum ki "bak kimliğin için bekle, ben 2 hafta içinde sana destek olacağım". A derneğine gidiyor diyor ki "ben bunu 2 gün içinde çözerim". Zaten vakayla ben orda kopuyorum, vakanın bana güveni tamamen gidiyor. Çözülmediği zaman tekrar bize geliyor, bu sefer bize şikayet ediyor, sorun burada başlıyor

¹³¹ Yani örneğin bir kolluk kuvveti ile muhatap olmak gerektiğinde hak savunuculuğu yapma noktasında Yani donör tarafında herhangi bir engelli karşılaşmadık. Yani şimdiye kadar hiçbir donör temsilcisi bana şey demedi. Yani işte hak savunuculuğunda biraz geride duralım ya da bu vakayı biraz geriden halledelim, başka bir şekilde hallederim demedi. Ancak kurum içi çok fazla böyle yönlendirme algım oldu. Yani oradaki ilişkiyi korumak için veya ülkedeki genel politik atmosferin biraz dışında kalabilmek için kurum içi şekilde şey oldu.

will not produce if the political conditions continue like this. But it could definitely be a little over the top.¹³²

These statements from the respondents confirms the Paker's (2019) emphasis about the shift from advocacy towards needs and service-based approach due to the oppressive political environment, lack of freedom of expression. CSOs, who do carry out advocacy activities for the sake of keeping on good terms with state institutions, show that civil society in Turkey is an integral part of the state rather than its complementary nature.

5.2.4. INGO/Donor based Problems

Problems regarding to INGO and donors were analysed into five subgroups: problems regarding to the limitation of financial assistances and funding, issues regarding to the lack of advocacy, failure of INGOs to internalize the field, problems regarding to project management and the problems regarding the fact that donors place more emphasis on number of refugees reached rather than quality of the protection services.

5.2.4.1. Limitation regarding Funding

Funding has significant information on the CSOs working in the refugee protection field as some of the CSOs provide financial assistance to the beneficiaries for their protection needs. Almost all the respondents stated that funding provided by their donor institution is getting more cut down each year. For instance, Respondent 14 stated that the decrease in funds puts refugees' situation at risks and the flow of the funding will be eventually cut.

As it was mentioned in the first theme, most of the CSOs are providing needs-based protection. Therefore, there has been a concern among the protection staff that CSOs would lose their function if budgetary cuts from donors continue. Moreover, the protection concerns of the beneficiaries remains the same as the budget is cut. For example, Respondent 2 stated that:

¹³² Türkiye şartlarında da alakalı. Belki daha fazla tabii.. Organizasyon A çok sessiz gerçi. Hiçbir taşın altına koymadı elini bunca zamanı. bir tık sesli olmasını, En azından bir aktivizm, en azından bir söz üretmesini çok isterdim. Ama üretmiyor, üretmeyecek de ülke şartları böyle giderse. Ama hani bir tık üstü kesinlikle olabilirdi.

Of course, I felt (restricted) very strongly about financial aid in particular. In some cases, of course, we run out of resources and sometimes you cannot provide financial support within the scope of the project. In such cases, of course, then the case becomes more difficult. We are trying to find financial support from other sources etc.¹³³

As most of the CSOs follows needs-based approach and provide financial assistance to the refugees, the limitations in the funding of CSOs by donor in recent years caused restriction in protection actions. Seeing as many refugees suffers from chronic poverty, assistance from CSOs provide huge help towards refugees who are unable to met their basic needs. This limitation in funding also restrict protection officers as some of the project focuses on certain vulnerable groups and they cannot provide financial aid to other people of concern.

5.2.4.2. Lack of Advocacy

INGOs and donors as well as CSOs show the same pattern in terms of being hesitant about advocacy activities. Some of the respondents stated that the donor institution of the CSOs remains silent to the violation of rights and attributed this pacifism to the political climate of Turkey. For instance, Respondent 11 mentioned that:

Rights advocacy, which is one of the most important parts of these stages, cannot be fully realized within the framework of Turkey, neither by our institution nor by the United Nations. Of course, this stems from the authoritarian structure of the state and the more authoritarian state it has recently taken.¹³⁴

It was stated that donor organizations that could not overcome this limitation and prioritize meeting the needs of the beneficiary. For instance, Respondent 8 mentioned that:

There are certain limits. And you can't get past those limitations. Especially when working as a lawyer. ... Because we are asked not to take a side. Rather than being a party, you should not exceed those limitations, since it is desired

¹³³ Özellikle mali yardım konusunda tabii ki çok fazla hissettim. Bazı durumlarda, bazı zamanlarda tabii ki elimizdeki kaynaklar tükeniyor ve proje kapsamında bazen mali destek sağlayamıyorsunuz. Bu gibi durumlarda tabii ki o zaman tabii ki dosya daha zorlaşıyor. Başka kaynaklardan mali destek bulmaya çalışıyoruz vs.

¹³⁴ bu aşamaların en sonunda bahsi geçen ve bence en önemli kısımlarından biri olan hak savunuculuğu da Türkiye çerçevesinde ne bizim kurumumuz tarafından ne Birleşmiş Milletler tarafından tam olarak gerçekleştirilemiyor. Bu devletin otoriter yapısından ve son zamanlarda aldığı daha da otoriter halden de kaynaklanıyor elbette.

to actually meet and direct the needs of the person. Of course, we feel constrained when we don't get over it.¹³⁵

Just like CSOs, INGOs and donor institutions lacks from advocacy activities. As some of the respondents stated that refugee field is a very sensitive area, donor institution maintains its neutral position and limits their activities with mediating CSOs and state institutions. Since this approach of donors is reflected in CSOs, the reservations of rights-based protection are also seen here.

5.2.4.3. Failure of the INGO Staff to Internalize the Field

Among the participants of this research, it was stated that INGO and donor institutions have much lesser experience in the field than the CSOs. Respondents indicated that, unawareness about the trends and challenges in the field lead to the perspective differences between CSOs and donor institutions on decisions that concern the field. Two of the participants stated that donors' protection perspective is “Western” and that applying this perspective in Turkey, which is a middle eastern country, creates gaps. For instance, Respondent 15 mentioned that:

Donors have drawn something ideal in their own world, but how does this ideal thing fit with reality? How does it fit with the reality of Turkey? That's a big question mark. "This is how we did it in Pakistan, this is how we did it in India." ... For example, there was an education I attended. It was a disaster. They stated that toilets were outside in India, and this could result in sexual violence. It is very true, but is this the reality of Turkey or where is it? Know what I mean? The approach of the donors seems to me- I don't really like that word, but "western". In other words, it seems like it can sometimes be far from the reality of the Middle East, the reality of Turkey, and Turkey's dynamics.¹³⁶

¹³⁵ belirli sınırlar var. Ve o sınırlılıkları aşamıyorsun. Özellikle avukat olarak çalışırken daha da aslında şey oluyor ortaya çıkan bir şey. Çünkü bizden bir taraf olunmaması isteniyor. Taraf olmaktansa kişinin ihtiyaçlarının aslında giderilmesi, yönlendirilmesinin sağlanması istendiği için O sınırlılıkları aşmaman gerekiyor. Aşamayınca da tabii kısıtlanmış hissediyoruz.

¹³⁶ Donörler kendi dünyalarında ideal bir şey çizmişler ama bu ideal çizilen şey gerçeklikle ne kadar bağdaşiyor? Buranın Türkiye'nin gerçeği ile ne kadar bağdaşıyor? Orası büyük bir soru işareti. Yani işte Pakistan'da biz bunu böyle yaptık, Hindistan'da böyle yaptık. Atıyorum şu an örnek veriyorum. Bir tane eğitimi vardı mesela. Facia işte. Hindistan'da dışarda şey çok mu fazlaymış neydi onunadı.. Lavabolar dışardaymış. Bundan kaynaklı işte atıyorum cinsel şiddet doğurabiliyor. Çok doğru ama Türkiye'nin gerçeği böyle mi ya da nerede böyle? Anlatabiliyor muyum? Biraz donörlerin yaklaşımı da böyle gibi geliyor bana. Ya da- bu kelimeyi çok da sevmiyorum ama "batılı" . Yani biraz Ortadoğu'nun gerçekliğinden, Türkiye'nin gerçekliğinden, Türkiye'nin dinamiklerinden bazen uzak olabiliyor gibi. Öyle düşünüyorum.

In addition, restrictiveness of information sharing with CSOs regarding procedures was stated as another problem due to the lack of internalisation of the field. For instance, Respondent 4 stated that:

A decision is being taken at one of the UN agencies. But no one explains the reason for that decision. And for example, this decision affects refugees. We somehow hear the answer by chance. Then, when we deliver his answer to the refugees, the problem we have been experiencing for months or years is gone. They make things like this happen when a question with a very easy solution would be solved if it was answered. There is always a situation where questions remain unanswered in this area.¹³⁷

One of the most emphasised issue regarding to the gaps in donor institutions is their lack of internalisation of the refugee field in Turkey. This issue disconnects donors from their partner CSOs and causes donors to perceive as condescending. The lack of internalisation of the field also reflects the trainings provided by donor institution as trainings often identified as theoretical and does not reflect the reality of the situation in the field.

5.2.4.4. Project Related Issues

Project related problems identified as another issue regarding the donors and INGOs. It was stated that since each project funded by the donors has a specific target audience, the beneficiary who cannot adapt to that target audience cannot be helped. For instance, Respondent 11 mentioned that:

Every project has a specific target group. If the person you want to assist is not in that target audience, you have difficulty in providing assistance. ... Especially regarding financial aid. We were already having difficulties in the financial aid of people who were not in the project target.¹³⁸

¹³⁷ Şimdi işte bir karar alınıyor UN agencylerden birinde. Ama nedenini kimse açıklamıyor o kararın. Ve hani mültecileri etkileyen bir karar mesela. Ve mültecilerle konuşuyoruz, iletişim kuran kişiyiz ve o sorulara cevap veriyoruz. Aslında hani onun cevabını almıyoruz çok farazi bir örnek oldu ama. Bir şekilde rastlantısal duyuyoruz cevabını. sonra onun cevabını mültecilere ulaştırdığımızda Zaten aylardır ya da yıllardır yaşadığımız sorun ortadan kalkmış oluyor. Çok kolay çözümü için bir sorunun cevabı verilse çözülecekken böyle şeyler yaşıyorlar. Hep böyle bir muhattap alınamama ve sorulara hep cevapsız kalma durumu var alanda çok bariz.

¹³⁸ her projenin belli bir hedef kitlesi var. Eğer yardımcı olmak istediğin kişi o hedef kitlesinde değilse yardımcı olmakta güçlük çekiyorsun. ... Özellikle mali yardımlar konusunda. proje hedefinde olmayan kişilerin mali yardımlarının gerçekleştirilmesi konusu sıkıntı yaşıyorduk zaten.

Respondents also claimed that donor institutions focus more on social cohesion while the basic protection concerns of the beneficiaries is still ongoing. According to the respondents, beneficiaries who have specific protection needs do not prefer to participate in social cohesion activities which distracts the project from the goal. In addition, it was observed that entrusting a long-term goal such as social cohesion to 1–2-year projects create a mismatch. It was also mentioned that activities aimed at strengthening and supporting these refugee groups have been handed over to 1-year, 2-year projects is a problem in itself.

It was stated that the contents of the projects, which aim to reach numbers rather than quality results, hinder protection. It is observed that it is challenging that institutions generally look at cases as target numbers to be achieved and that they determine their general policies in this way. Moreover, the high numbers of beneficiaries and the funding they provide does not match and beneficiaries do not benefit from the budgets enough.

To sum up, projects purposed by the donors does not reflect the needs of the refugees and the duration of project-based activities is limited to 1-2 years does not response the long term needs of the refugees. Furthermore, the specific target group of the projects prevents protection staff to response to the needs of other groups. Lastly, the emphasis of donors to the quantity of the outcomes of the projects rather than the quality prevents the number of cases per protection officers from being drawn into more humane numbers.

5.2.5. Inter-Communal Problems

Inter-communal problems among the host community and the refugees are observed as another challenge for implementation of protection. Negative perspective of the host community, further exclusion of the marginalized groups, lack of inclusive policies for all communities and protection needs that preclude cohesion activities were listed as one of the main inter-communal problems.

5.2.5.1. Negative Perspective of the Host Community

Host communities' negative perception of refugees was observed as one of the biggest challenges of social cohesion. Respondents mentioned that they are hesitant to say that they are working in the migration field because of the possibility of a negative response. For instance, Respondent 16 mentioned that:

The perception of refugees in Turkey is another serious problem. Refugees are something that Turkish citizens never want. Citizens of Turkey can behave really xenophobic towards refugees and working in spite of this makes CSOs employee tired. After a while you don't want to say to people that "I work in the migration field." Because we always come across the same questions: Will they not go, how long will they stay, etc.? This is a situation that suffocates people in normal non-work life as well.¹³⁹

In order to maintain social cohesion, a peaceful atmosphere must be achieved between the guest group and the host group. However, seeing the host group as foreigners stealing the guest group's jobs, cheap labour or seeing the host group as discriminatory and exclusionary makes social cohesion difficult to achieve. Moreover, it should also be mentioned that since the public officers are member of the host community, they represent the views of the host community towards refugees and this correlates with the antipathy of the public institutions towards refugees.

5.2.5.2. Further Exclusion of the "Marginalized Groups"

Groups that are marginalized from society or community such as belonging to a LGBTI+ community, exposed to further hate and exclusion due to the intersectionality of being both refugee and LGBTI+. For instance, Respondent 18 stated the following regarding further exclusion of LGBTI+ refugees:

In other words, when we think about the groups we work with, social cohesion is something that is done very superficially, in Turkey.... In other

¹³⁹ Türkiye'deki mülteci algısı başka ciddi bir problem. Yani Türkiye vatandaşlarının hiç istemediği bir şey mülteciler. Türkiye vatandaşları gerçekten zenofobik davranabiliyorlar mültecilere karşı ve hani buna rağmen çalışıyor olmak da insanı, bir STK çalışanını yoran bir şey. Yani tamamen işten bağımsız olarak, nerde çalışıyorsun sorusuna bir yerden sonra hani insanın gerçekten mülteci alanında çalışıyorum diyesi gelmiyor çünkü hep aynı sorularla karşılaşıyoruz: Gitmeyecekler mi, ne kadar kalacaklar daha vesaire gibi. Bu da hani normal ıı iş dışı hayatta da insanı bunaltan bir durum.

words, when you refer an LGBTI person to a Turkish course to attend classes with people from their country of origin, they are discriminated against by both the instructor and the people with whom they take lessons with.¹⁴⁰

In addition, Respondent 5 mentioned that:

Finding a job is one of the hardest things for me. So, it's really hard for an LGBTI+ refugee to find a job, especially if it's a visible LGBTI+ refugee. If she is a feminine gay, a masculine lesbian, a visible trans woman, it is not possible for them to be employed. As I said about double discrimination, it is both xenophobic and LGBTI phobic. it gets very, very difficult. And another, of course, is finding homes for trans applicants. It is also very difficult because the landlords do not give a home to both a foreigner and a trans. We are really struggling with this.¹⁴¹

5.2.5.3. Lack of Inclusive Policies for All Communities

Social cohesion is a set of actions that includes regulation for the refugee group but also includes state's self-regulation, the host society's self-regulation, something that goes both ways. Based on the views of the respondents, social cohesion activities lack the participation of the host communities. Furthermore, it was stated that the failure to create a safe environment that includes both groups exposed both groups to more threats. For instance, Respondent 3 stated that:

We are doing cohesion activities for refugees. What about Turkish society? We also need to prepare the Turkish society, right? ... Cohesion can be made, but like this: I'm going to place a skin inside my hand. ... I say, "Look, it will be yellow there, it will be a little oval, here's a vein thing will pass" ... what if that skin on your hand doesn't accept you?¹⁴²

¹⁴⁰ Yani çalıştığımız grupları düşününce, ya sosyal uyum ya böyle çok yüzeysel yapılan bir şey aslında Türkiye'de.... Yani bir LGBTİ'yi Türkçe kursuna yönlendirdiğinde, yani kendi menşei ülkesinden gelen insanlarla birlikte aynı sınıfta derse girdiğinde, yani hem dersi veren hem de birlikte ders aldığı kişiler tarafından ayrımcılığa maruz bırakılıyor. Yani işte birçok danışana yani diyelim ki bir lezbiyen danışana

¹⁴¹ Onun dışında en çok zorlandığım konulardan bir tanesi de iş, iş bulma konusu. Yani bir LGBT+ mültecinin iş bulması gerçekten zor oluyor özellikle böyle görünür bir LGBT+ mülteciyse. İşte feminen bir gayse, maskülen bir lezbiyense, görünür bir trans kadınsa ya onlara iş vermesi mümkün değil hani çifte ayrımcılık dediğim gibi işte zaten yabancı fobik hem de LGBTİ fobik, hani çok çok zorlaşıyor. Ve bir diğeri de tabii ki trans danışanlar için ev bulmak. O da çok zor çünkü ev sahipleri hem yabancı hem de bir transa ev vermiyorlar, gerçekten bunlarda çok zorlanıyoruz.

¹⁴² Biz mülteciye yönelik uyum yapıyoruz. Peki Türkiye toplumuna dair? Bizim Türkiye toplumunu da hazırlamamız lazım değil mi? ... Ya bu çok, ikisi çok çok ayrı bir terim. Uyum yapılır ama uyum, ya şöyle: Elimin içine bir deri yerleştireceğim ama ben her şeyi bu deriye söylüyorum. Diyorum ki

In addition, Respondent 9 stated the following:

There is a problem with what we call social cohesion. we always expect social harmony from foreigners, refugees and asylum seekers. In fact, what we call social cohesion is something that involves the state regulating itself and the host society regulating itself, or something that goes both ways.¹⁴³

It is observed that social cohesion activities do not show reciprocity as host community does not ready to regulate itself due to the lack of social cohesion activities for both sides. Moreover, expectancy of social cohesion perceived as one sided as only the refugee community should regulate itself to adapt themselves into the host community.

5.2.5.4. Vital Priorities Rather Than Social Cohesion

Respondents stated that the provision of vital priorities for refugees such as access to food, accommodation, hygiene products, Therefore, while there is a very serious socio-economic difference between them and the people of Turkey, social cohesion activities become futile. For instance, Respondent 22 stated that:

When vital priorities are fulfilled and these deficiencies are eliminated, you can only talk about cohesion. In other words, social cohesion is a bit like this, to talk about the fantasy; Registration will end, we will evaluate everything, protection will end, then we have solved all the needs in the Republic of Turkey. Only then will we be able to talk about integration and cohesion with the host community. You know, that's the fantasy.¹⁴⁴

Social cohesion activities are not likely to achieve its purposes because of the lack of durable solutions for refugees in Turkey such as granting refugee status or citizenship. It was stated that it does not make sense to make social cohesion

“Bak gittiğin zaman ora sarı olacak, biraz oval olacak, işte bir tane damar şeyi geçecek”, buna ver ver ver bilgiyi, getir, peki elin içindeki o deri seni kabul etmedikten sonra?

¹⁴³ Sosyal uyum dediğimiz şeyin hani şöyle de bir sıkıntı var ya, biz hep yabancından, mülteciden ve sığınmacıdan sosyal uyum bekliyoruz. aslında sosyal uyum dediğimiz şey devletin de kendisini düzenlemesi, ev sahibi toplumun da kendisini düzenlemesini içeren bir şey, ya iki taraflı yürüyen bir şey..

¹⁴⁴ Yaşamsal öncelikler tamamlandığı zaman, bu eksiklikler giderildiği zaman ancak bir uyumdan bahsedebilirsin. Yani sosyal uyum biraz böyle işin fantazisini konuşmak gerekirse, hani kayıt bitecek, değerlendireceğiz her şeyi, koruma bitecek, ondan sonra bütün ihtiyaçları biz çözdük Türkiye Cumhuriyeti'nde, o yüzden hani Türkiye vatan- şey ev sahibi toplulukla hatta amiyane tabirle, onlarla bir entegrasyondan, uyumdan söz edebileceğiz. Hani işin fantazisi aslında bu, çizelge buna göre ilerliyor.

activities in this uncertainty. Furthermore, refugees' needs are rather focused on fulfilling their basic needs and social cohesion activities lags on the background.

5.2.6. Pandemic

In the process of this study, global pandemic was declared due to the COVID-19 virus and as a result, new protection gaps emerged. Respondents often mentioned the issues derived from the pandemic and its effect on the protection activities. Pandemic and lockdown also affected CSOs activities regarding protection as well as other service providers. Cooperation within the service provider institutions lingered and public service providers prioritized the Turkish citizens. Lockdown increased the economic difficulties of the refugees as their main income depended on the daily jobs and informal work. Sexual and gender-based violation cases increased as many women, children and LGBTI+ beneficiaries kept away from the safe spaces and protection mechanisms CSOs provided.

5.2.6.1. Interruption in CSO Activities

Pandemic and contaminant lockdown limited and suspended a wide range of CSOs activities from individual protection to community-based protection. According to the experiences of the protection staff, there has been a difficulty in needs assessment as there was no face-to-face interview opportunity. Even though protection assessments were made via phone calls, talking urgent needs and protection assessments over the phone reduced the quality of the assessments. For instance, Respondent 14 stated that:

During the COVID period, identification was very difficult. Because we started to provide remote consultancy and the detection was of course remote... GBV detection, child at risk detection etc. Today, I think we understood the difference between face-to-face meeting and telephone conversation very well.¹⁴⁵

It is also observed that community-based protection and social cohesion activities were halted. Some of the projects only focused on cohesion were tried to find

¹⁴⁵ Birinci aşamada mesela COVID dönemini söyleyebilirim. Tespit çok zorlaştı. Çünkü biz uzaktan danışmanlık vermeye başladık ve tespit de tabi ki uzaktan oldu bu işte GBV tespiti, risk altındaki çocuk tespiti vs. Bugün yüz yüze görüşme ve Telefonla görüşme arasındaki farkı bence biz çok iyi anladık.

alternatives to face to make meetings and some of the activities were continued via online. However, beneficiaries who do not have internet access or do not have the environment to perform these activities at home could not be reached. For instance, Respondent 5 indicated that:

Social cohesion activities and community-based activities have been suspended in the Office since March. For a few months now, we have been doing activities online such as zoom or 3gx. In this process, we are trying to provide counselling over the phone. But for example, I don't believe it is very useful in the protection part.¹⁴⁶

Respondents also stated that there had been a downsizing in the CSOs as some of the projects were cut short or did not prolong. Moreover, it has been claimed that the funding of the certain projects was cut and many of the respondents' colleagues became unemployed. For instance, Respondent 4 mentioned that:

For example, the effects of the pandemic will last for years. We are still in the pandemic and something needs to be done about it. You know, there must be something about refugees. But it was the other way around. This year, our 2021 budget has been cut by half. Our protection budget. While we expect something like an increase... Because there is a lot of need, there is a lot of suffering. But Donors behave in the opposite way and downsized. The fact that many of our friends have also been unemployed during the pandemic proves that they are not a human rights organization and makes me think of this directly. You're not thinking about the refugee, okay, I understand that. But you left your employees unemployed amid the pandemic. You know, when you write on your website: There are this many unemployed, this many unemployment... It's contradictory, I think. You also caused unemployment. You gave, you reduced the money of refugees. Then why are you talking about suffering? Where is that money going?¹⁴⁷

¹⁴⁶ Korona sebebiyle şubat...Mart ayından beri falan Ofis'te sosyal uyum etkinlikleri etkinlikleri, toplum temelli faaliyetler durdurmuş durumda. Yeni yeni birkaç aydır da böyle zoom ya da 3gx üzerinden falan online şekilde danışanların katılımıyla gerçekleşiyor. Biz de bu süreçte telefonda danışmanlık vermeye çalışıyoruz. Ama mesela koruma kısmında bunun çok da faydalı olduğuna inanmıyorum.

¹⁴⁷ Mesela pandeminin etkileri yıllar sürecek. Hala pandeminin içersindeyiz ve bununla ilgili bir bir şeylerin yapılması lazım. Hani mültecilerle ilgili bir şeylerin olması lazım. ama bunun aksi oldu. Bu yıl daha 2021 bütçemiz yarı yarıya azaldı. Koruma bütçemiz. Biz böyle bir şey beklerken, artacak, daha fazla olmalı, çünkü çok ihtiyaç var, çok mağduriyet var Diye beklerken donörlerin tam tersi halde davranmaması, küçülmeye gitmesi, bir sürü arkadaşımızın da pandemide işsiz kalmış olması, bir insan hakları örgütü olmadıklarını ispat ediyor bana direk bunu düşündürüyor. Zaten bir sürü insanı.. sen mülteciyi düşünmüyorsun tamam onu anlıyorum. Yani çalışanlarını pandemi ortasında işsiz bıraktın.Hani sen sonra şey diye sitende yazıyorsun. Şu kadar işsiz var, şu kadar işsizlik var diye. Çelişkili bence. sen de işsizliğe sebep oldun. Sen verdin, sen azalttın mültecilerin parasını. Niye mağduriyetten bahsediyorsun o zaman? O para nereye gidiyor?

In the beginning of the pandemic, protection activities of the CSOs were faltered. CSOs tried to find alternatives such as online social cohesion activities and protection interviews were conducted via phone. However, these activities were stated as rather inefficient. Moreover, budget cuts by donors also hindered financial assistance towards refugees and these cuts also affected protection staff as some of them were dismissed from their jobs.

5.2.6.2. Interruption in Public Services

Public services were another service provider disrupted by the pandemic. Institutions such as Social Assistance and Solidarity Foundation and social service centres that beneficiaries are often referred to were given priority to Turkish citizens. For example, Respondent 17 stated that:

The pandemic process and you know, there is nothing from us. We can't give much help. other than that, Social Work Centres are closed, Social Assistance and Solidarity Foundations are closed. There were not many people who benefited from the aid of the municipalities. How did they get through that period, I'm surprised.¹⁴⁸

It was mentioned that the relationship between public institutions and CSOs were disrupted. As a result, beneficiaries had difficulties in accessing institutions such as public schools and state hospitals, which CSOs frequently contacted as a mediator. It is noted that some of the children who do not have internet access could not benefit from education during lockdown. For instance, Respondent 5 stated regarding to the accession to health services that:

Some disabled people were reaching us. That they were having trouble accessing hospitals because Hospitals were only receiving emergency cases and their thing was not urgent according to doctors. People were perceiving this more as discrimination.¹⁴⁹

Just like CSOs, protection activities of public services were hindered due to the lockdown. Public institution relations, which were already troubled with refugees,

¹⁴⁸ Böyle bir şeyle karşılaştık pandemi süresince. pandemi süreci bir de hani bizden bir şey yok, çok yardım veremiyoruz. onun dışında SHM'ler kapalı, SYDV'ler kapalı, belediyelerin yardımlarında çok fazla yararlanılanlar olmadı gibi yani. O dönemi nasıl atlattılar ben şaşırıyorum yani

¹⁴⁹ Onun dışında bazı engelliler ulaşıyordu. Hastanelere erişimlerinde, sıkıntı yaşadıklarına dair çünkü Hastaneler sadece acil vakaları alıyorlardı ve onların şeyi doktorlara göre acil değildi. Kişiler bunu daha çok nasıl diyim ayrımcılık olarak algılıyordu Ashında koronadan değil de.

came to a breaking point with the pandemic as public services often prioritized Turkish citizens.

5.2.6.3. Increase in SGBV Cases

Based on the protection experiences of the respondents during the pandemic, there has been an increase in beneficiaries who were exposed to sexual and gender-based violation (SGBV). Beneficiaries who have been staying in the same house with their perpetrator did not have access to a safe space for notification or elimination of the threats. Therefore, protection actions of CSOs regarding the beneficiaries exposed to SGBV were limited. For instance, Respondent 17 claimed that:

Domestic violence incidents have increased tremendously. It has increased among Turkish people. Among refugees, situations such as not being able to reach those people, etc. Especially when offices are closed. The thing that worried me the most was during the pandemic. Does the person have contours? Can the person call us? Can they reach?¹⁵⁰

Respondent 3 also mentioned that identification of the SGBV cases became rather difficult during the pandemic period:

Everyone says that the incidence of violence has increased a lot. Lie. In other words, the incidence of violence has increased. It has really increased, but its reflection has started to be less on us. ... Yes, cases of violence have increased, but the number of SGBV cases has decreased by half. Why? Because the notice ... The perpetrator and the victim of violence are in the same house. Currently, there is no access to us, there is a phone restriction, there is a restriction to go out, there has been a decrease in the numbers in this direction. That is the side that reflects on us.¹⁵¹

With the pandemic, the specific needs of refugees, who are already at risk, about these risks have been reinforced. Refugees who are exposed to the sexual and gender-based violence from their family and household were increased due to the

¹⁵⁰ Aslında ondan öncesi şu: ev içi şiddet olayları çok arttı. Hani Türkiyeliler arasında arttı. Mülteciler arasında da o kişilerin erişememesi vs gibi durumlar. Özellikle ofislerin kapalı oldukları dönem. Onlar beni en çok kaygılandıran şeylerdi pandemi süresinde. Tabii ki işte kontürü var mı kişinin bizi arayabiliyor mu? Ulaşabiliyor mu? gibi mevzular var. onlar bence düşünülmesi gereken şeylerdi. Tabii

¹⁵¹ Herkes diyor ki şiddet vakası çok çoğaldı. Yalan. Yani şöyle ki şiddet vakası çoğaldı. Çoğaldı gerçekten çoğaldı ama bunun yansıması bize daha az olmaya başladı. ... Evet şiddet vakaları çoğaldı ama benim SGBV vaka sayımda yarı yarıya düşüş oldu. Niye? Çünkü bildirim şey şiddet gösterenle şiddet gören aynı evde, e halihazırda bize zaten ulaşımı yok, telefon kısıtlaması var, dışarıya çıkma kısıtlaması var, bu yönde bir düşüklük oldu. Yani bize yansıyan tarafı.

lockdown. It has also become difficult to take action against SGBV due to the already broken contacts with public institutions because of the lockdown. Moreover, identification of SGBV cases became more difficult as people living in the same household with perpetrators could not report this to CSOs over the phone.

5.2.6.4. Increase in Economic Difficulties

It was observed based on the responses of the participants that the general demands and concerns of the beneficiaries who reached out to CSOs via phone during the pandemic period were about financial aid and inability to access basic livelihoods. It was stated that beneficiaries who are already precarious and often working illegally are completely without access to their livelihoods. For instance, Respondent 8 stated that:

Financial problems arose. These people were already working without social security. For example, they work as a dishwasher in a restaurant. Or, I don't know, he works in a pavilion. You know, these people work in problematic places. And now they are out of that job. And there have been and continue to be cases of great poverty. In other words, Turkish people may be the same, but at least they have an identity. Some don't.¹⁵²

It was also observed that the participation of unaccompanied children in child labour increased. Regarding this observation, Respondent 22 mentioned that:

As the Protection supervisor, which I observed very easily in Istanbul and Izmir, there was definitely a greater participation of children in business life. ... Because it became a question for children to move more easily. They seem less visible. despite the bans during the pandemic period.¹⁵³

With the pandemic, economic situation of the refugee population in Turkey, who were already suffering from chronic poverty, has increased. Refugees working in casual or temporary jobs often turn to CSOs with financial problems as they lose

¹⁵² Maddi problemler ortaya çıktı. Zaten bu insanlar güvencesiz çalışıyorlardı. Atıyorum restoranda bulaşıkçı olarak çalışıyor. Ya da ne bileyim bir pavyonda çalışıyor. Zaten hani problemler yerlerde çalışıyor bu insanlar. Ve artık o işlerinden de oldular. Ve çok büyük yoksulluk halleri yaşandı ve yaşanmaya devam ediyor. Yani Türkiyeliler de aynı şekilde belki ama en azından onların kimlikleri var. Bazılarının yok.

¹⁵³ İstanbul nezdinde ve İzmir nezdinde bu çok rahat gözlemlediğim Koruma süpervizörü olarak, çocukların iş hayatına daha fazla katılımı kesinlikle oldu. ... Çünkü bu şey çocukların daha rahat hareket etmesi söz konusu oldu, böyle daha az görünüyor olması söz konusu oldu pandemi döneminde, yasaklara rağmen. Onun dışında, zaten şeye döndük bence

their jobs. Economic problems also cause an increase in the child labour as because of the lockdown, many unaccompanied children were remain unidentified by the CSOs and they were involved in the forms of child labour.

CHAPTER 6

CONCLUSION

This research aims to understand the concept of protection, its definition offered by UNHCR and how the protection concept of UNHCR is implemented by UNHCR's implementing and operational partners. In order to understand the concept, firstly a literature review regarding the conceptual understanding and the approaches of protection. Following the conceptualisation, 22 in depth interviews were conducted with the 22-protection staff working in six CSOs and those who have worked before. In this part of the thesis, main findings of the research will be presented, and social policy recommendations will be suggested.

The main results of this thesis are presented as follows:

1. UNHCR's main elements of protection which are creating a safe environment, ensuring human dignity and safe return, rehabilitation and reinitiating are not fully implemented by CSOs. Based on the experience of the protection staff, the definition of the protection is different from the UNHCR. According to the protection staff, protection is not only defined as a tool to access rights and services, but also a mechanism for encouragement and awareness raising of the beneficiaries in order to cope with the protection needs by themselves. And there is no local integration opportunity due to the legal limitations and the lack of social cohesion activities. Moreover, because of the difference between the law and its implementation some of the protection services are not fully met with the needs of the refugee.
2. One of the aims of UNHCR's is to provide durable solutions to the applicants. However, in reality, neither local integration mechanism

nor resettlement is applicable for the refugees in Turkey. Durable solutions are not applicable in Turkey, In 2020, the number of refugees that resettlement provided is 4.048 out of 350.000 international protection applicants. Voluntary repatriation of refugees is also not relevant due to the ongoing conflict and the possibility of persecution in their country of origin.

3. Rights-based approach is not fully adopted in the implementation of protection. Although UNHCR adopts a rights-based approach, the interviews showed that needs-based protection is provided in practice due to the political environment in Turkey and the gaps in the implementation of the law. Meaningful access to the services are not provided fully because of the differences in the implementation.
4. Registration led by DGMM is not comprehensive enough to meet with the refugees' protection needs. Meeting the protection needs of the refugees were more for the best interest of the beneficiaries when registration and needs assessments were carried out by an independent institution.
5. Structure of protection among CSOs were analysed based on case management schemes and mechanisms that are used in the implementation process were discussed. As a result, case management was considered as a key tool for protection although the universal case management scheme was considered as very sterile and not applicable for each case. The reasons for that are the intense number of cases to proceed for per protection officers and the number of cases that need urgent protection action. Thus, some of the case management steps were simultaneously conducted at once and follow up steps were to proceed only for urgent cases. Furthermore, the case closure step is not likely to happen in the context of refugees in Turkey due to the fact that there is no durable solution, and the protection needs of the beneficiaries are continual.

6. Problems and gaps in the implementation of protection are not only caused by the difference between the UNHCR's definition of protection and its implementation by the CSOs. Gaps and problems accompanied by the main actors in the implementation of protection such as beneficiaries, public institutions, CSOs, INGOs, UN bodies, donors also reflect the problems in the practice of protection.
7. Uncooperative attitude of beneficiaries towards CSOs and false statements of the applicants hinders all steps of case management as case management is a system that is able to work with the consent and the collaboration of the applicant.
8. Uncooperativeness of the state-led service providers with CSOs and changing practices according to the region, city or even to the public officer is one of the major obstacles of protection. As different practices are encountered in the implementation of the written law, new regulations hinder the way of refugees to protection. In addition, the antipathy of public employees that are appointed from the central authority to the field of migration prevents public authorities from operating their protection mechanisms functionally.
9. As provider and mediator of protection, one of the biggest obstacles to protection that the CSOs face is the lack of resources and yet the excess of cases per person. This situation causes the cases not to be given the necessary attention and the actions to be taken haphazardly as well as causes protection officers to burn out. In addition, the fact that some of the CSO employees are not professional or skilled staff and the difference in perspective arising from this is one of the factors that hinders protection activities. Lack of community-based protection activities that enables identifying refugees' resilience, competence areas and resources and improving their capacities lead CSOs to be stuck in individual protection and makes the beneficiary dependent on the CSOs. Moreover, facilitating refugees' access to rights without advocating for rights is another ironic barrier to protection among CSOs. CSOs act hesitant about advocacy due to the political climate

and taking care of the beneficiary's protection needs often take priority.

10. UNHCR and other donor organisations' involvement in protection in Turkey is not direct; however, in terms of their funding and the scope of the projects they suggest to CSOs, they set boundaries around protection. One of the biggest criticisms towards INGOs and donor organisations is their inability to internalise the field due to the fact that there is little to no direct contact with the refugees as well as they observe what is happening in the field, trends and challenges through CSOs. Furthermore, INGOs and donor organisations also share the same approach regarding the absence of advocacy activities.
11. The tension between host community and refugees creates more threats to both sides and precludes beneficiaries from reaching certain protection services. Moreover, when refugees belong to the particular communities who are already exposed to inequality in Turkey, such as the LGBTI+ community, leaves beneficiaries in constant need of protection. Moreover, issues between the two communities continue as social cohesion activities remain in the background for refugees trying to meet their vital needs.
12. The Global Pandemic and lockdown led to a huge deficiency in protection. Refugees who are benefited from services that CSOs provide, could not reach any of them and the prioritization of Turkish citizens in the service accession to the public institutions hinder the refugees' accession to rights and services. During this period, CSOs that switched to working from home were restricted from responding to people in need of protection. Moreover, due to the lockdown, the number of the refugees who are exposed to sexual and gender-based violations increased. Unemployment and poverty rate among refugees also increased due to the layoffs. Refugees working in informal sectors could not find a job during this period.

Based on the findings of this study, several policy suggestions were prepared. The opinions of the participants were taken to present these suggestions. Policy recommendations are categorized based on the actors of protection in Turkey. Three types of solutions were offered in order to strengthen the implementation of the protection for refugees. These are recommendations regarding to increase the cooperation between public services and CSOs, recommendations regarding to strengthening the capacity and activities of CSOs and suggestions regarding to the improvement of public institutions and government policies

Recommendation regarding to the state agencies and public service providers are based on cooperation with CSOs and capacity building. The number of policy developments and projects that strengthen the state's relations with CSOs need to be increased in order for services to reach slightly better conditions and work more smoothly in the case plans. Moreover, capacity building activities including migration and refugee focused trainings should be practiced in order to raise awareness of the public officials.

Establishment of provincial and national coordination groups between CSOs, INGOs and government agencies would be beneficial in terms of cooperation and information flow. These coordination meetings also should be monitored, and the results of the meetings should be deliberated for further actions. In addition, upcoming projects of all actors should be based on needs-assessments of the refugees so that the impact of the project on the focus group can be seen.

As it was highlighted in the finding, not granting full refugee status to persons is one of the obstacles to the implementation of protection and the path to a durable solution. Removing the geographical restriction may not be a very realistic proposal. However, instead of seeing refugee groups as dependent groups, regulations can be made to make them active members of the society.

Regarding to the recommendations to CSOs, more transparent and merit-based human resources policy is needed. In order to improve the protection activities in the field it should be ensured that people with experience and competence in the field are recruited. Satisfaction surveys should be made periodically to the employees of the institution and constructive measures should be taken according to the results.

Moreover, strengthening activities should be carried out to the people working in the field of protection in order to eliminate the burn outs of the staff. Lastly, creating a common system where CSOs and INGOs can see the biodata information of all beneficiaries can facilitate duplication of actions and case tracking.

In terms of suggestions based on protection tools for CSOs, it would be beneficial if UNHCR's Standardized Specific Needs tool are updated according to the views and critics of the CSOs since assessments are carried out by the protection staff in CSOs and emerging new risks are easier for protection officers to notice. Moreover, a feedback system within donor institutions and CSOs would lead donors to understand the challenges and trends within the field better.

As it was mentioned in the Chapter 3, case management is a process of identifying, planning, seeking services from different service providers together or on behalf of the applicant (NASW, 2013a, p. 13). Case management includes cooperation within the case workers and protection officers from different organisations and this extends the range of services provided for the applicant.

As it is stated by the respondents, standardized case management scheme with 6 steps is not practical in the case management process. Some of the steps are simultaneously processed and new protection needs often emerge for new assessments. Moreover, many respondents experienced that there is no case closure in the refugee-based case management problems due to the lack of durable solutions. NASW standards for case management offers different perspectives and guiding principles to the case management approach such as “person-centred services”, “person-in-environment framework” and “strengths perspective” (NASW, 2013a, p.18). Person-centred services refer to engagement with the beneficiary in all steps of the case managements. Person-in-environment framework indicates the social, cultural and physical environment of the beneficiary and focuses on the strengths and weaknesses within the environment. Strengths perspective, with the similar reference to the person-in-environment, seeks to improve on each individual's resilience and development potential (NASW, 2013a, p. 18).

Based on these perspectives and principles, a more practical and migrant-centred/applicant-centred case management scheme is prepared considering it would be more useful for the protection staff. Figure 3 will show the migrant-centred/applicant-centred case management approach as follows.

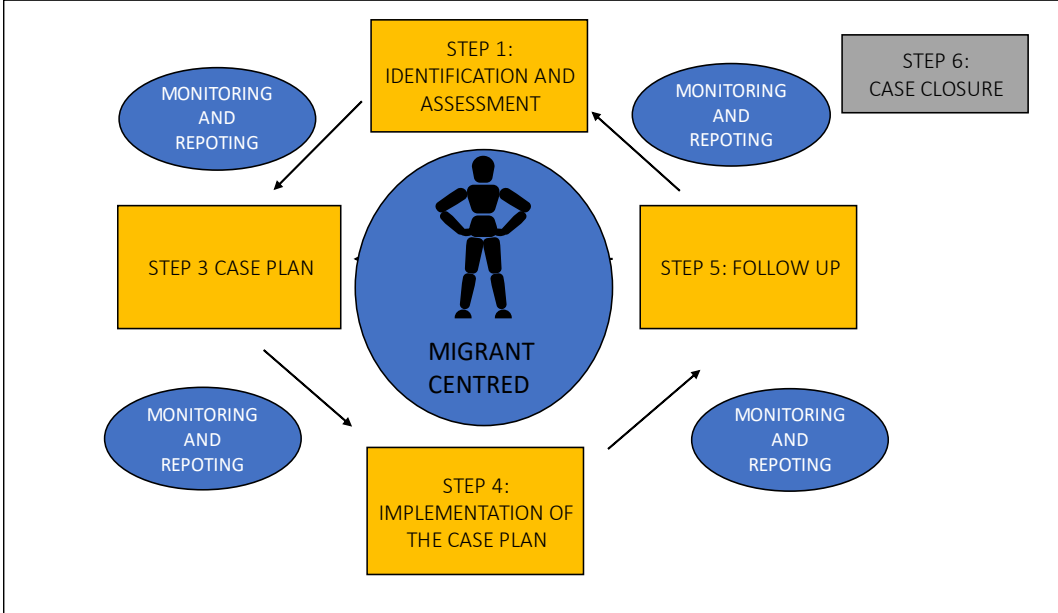


Figure 3: Case Management Scheme for CSOs working with Refugees

Both NASW and IOM's migrant-centred/applicant-centred approach was taken as a basis while preparing this case management scheme (IOM, 2018, p. 33). This approach puts the refugee at the centre of case management just like the person-centred services principle. As it was mentioned in the findings, protection means “walking along with the applicant” for the respondents. In this way of case management, the beneficiaries will be able to participate in the case management, implement the plan themselves and be involved in the decision-making process based on their strengths and resilience within or in response to their environment.

Due to the increasing number of cases, protection staff usually simultaneously proceed the steps of case management. Therefore, in this scheme identification and assessment steps are prepared to process together. Considering that the case closure is not often proceeds by the respondents, case closure step remains as a ghost step in the scheme. Reporting and monitoring is put into every step as it is important for supervision and monitoring trends.

Consequently, this research revealed the gaps between the ideal type of protection, its approaches and tools and the protection in the implementation process. Whilst UNHCR's definition is more based on international refugee law and durable solutions, implementation of protection is based on cooperating with the beneficiaries and strengthening. Role of protection officers in this case is raising the awareness of the refugees and being a mediator between the services and the beneficiary. Moreover, standardized case management scheme that protection officers use is not applicable in the context of the refugees in Turkey because of the high number of refugees and their gradually increasing specific needs.

Another consequence is the fact that the key actors in the protection process, such as beneficiaries, state institutions, CSOs, INGOs, UN organizations, and funders, all have gaps and issues that represent the difficulties in the protection process. The perception of government agencies on migration and refugee issues undermines protection. Differences in the implementation of laws, practices that vary from region to region and even from person to person are one of the biggest obstacles to the protection of refugees. Although the existence of a conflict among public service providers and CSOs is unlikely to prevail, cooperation between these actors must be strengthened in order to response to the refugees' protection needs.

Another consequence of this study is that the flaws in the implementation of protection is not only caused by the service providers of mediators, but also by the beneficiaries. In a protection plan that seeks to empower the refugee, uncooperativeness, false statements of lack of information of the beneficiaries may harm the purpose of protection.

Finally, this study has a great significance because it can contribute to all actors of protection to understand the conceptualisation of protection at the implementation level. Evaluating and considering the suggested social policy recommendations based on the findings by the protection actors is of great importance for the improvement of protection.

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APPENDICES

APPENDIX A: APPROVAL OF THE METU HUMAN SUBJECTS ETHICS COMMITTEE

UYGULAMALI ETİK ARAŞTIRMA MERKEZİ
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20 Şubat 2020

Konu: Değerlendirme Sonucu

Gönderen: ODTÜ İnsan Araştırmaları Etik Kurulu (İAEK)

İlgi: İnsan Araştırmaları Etik Kurulu Başvurusu

Sayın Dr. Öğr. Üyesi Besim Can ZIRH

Danışmanlığını yaptığınız Fatma Berna ÇETİNALP'in "Türkiye'deki Mülteci Koruma Uygulaması: Ankara'daki STK'larda Çalışan Koruma Sorumlularının Deneyimleri Üzerine bir Vaka Çalışması" başlıklı araştırması İnsan Araştırmaları Etik Kurulu tarafından uygun görülmüş ve 085-ODTU-2020 protokol numarası ile onaylanmıştır.

Saygılarımızla bilgilerinize sunarız.

Prof. Dr. Mine MISIRLISOY
Başkan

Prof. Dr. Tolga CAN
Üye

Doç. Dr. Pınar KAYGAN
Üye

Dr. Öğr. Üyesi Ali Emre TURGUT
Üye

Dr. Öğr. Üyesi Şerife SEVİNC
Üye

Dr. Öğr. Üyesi Müge GÜNDÜZ
Üye

Dr. Öğr. Üyesi Süreyya Özcan KABASAKAL
Üye

APPENDIX B: IN-DEPTH INTERVIEW QUESTIONS

Demografik Sorular

1. Őu anda hangi kuruluş için çalışıyorsunuz? Hangi pozisyon?
2. Daha önce hiç göç alanında çalıştınız mı? Ne kadar? Hangi pozisyonda?
3. Hangi projede çalışıyorsunuz?
4. Projenizde kaç kişi var?
5. Projenizi kim finanse ediyor? Donörleriniz kimler?
6. Projeniz neye odaklanıyor? Amacı nedir?
7. Odak grubunuz nedir? Erkekler, kadınlar, çocuklar, aileler? Suriyeliler mi yoksa Suriyeli olmayanlar mı?
8. Günlük olarak kaç kişiyle görüşüyorsunuz?
9. (Eğer alan süpervizyon veriyorsanız), belirli durumlarda günlük olarak kaç saha çalışanı denetimi yaparsınız?

Prosedüre Dair Sorular

10. Görev tanımınız nedir?
11. Koruma görevlisi/saha çalışanı olarak çalışmaya başladığınızda herhangi bir eğitim aldınız mı? Hangi eğitimler? Bu eğitimleri hiç çalışma hayatınızda uyguladınız mı?
12. Deneyimlerinize göre koruma nedir?
13. Koruma kurumunuzda nasıl uygulanıyor? Süreç nasıl işliyor?

14. Korumanın aşamaları varsa bahsedebilir misin?
15. Peki hassas gruplar nelerdir? Risk grupları nelerdir? BM'nin risk gruplarını kendi hassasiyetlerinize uygulamada zorlanıyor musunuz?
16. Bu hassasiyet ve risk grupları nasıl belirleniyor?
17. Genellikle ne tür vakalarla karşılaşıyorsunuz? Bu davalara göre ne tür bir yönlendirmede bulunuyorsunuz?
18. ne temelli bir koruma yapıyorsunuz? hak mı ihtiyaç mı?
19. Deneyimine göre vaka Yönetimi nedir? Mültecilere vaka yönetimini nasıl uygularsınız? Vaka yönetimi yaparken hangi adımları izliyorsunuz?
20. Vaka yönetimini planlama / uygulamada en çok hangi koruma mekanizmasını uyguluyorsunuz?
21. Süpervizör nedir? nasıl uygulanır?
22. Kurumunuzla BMMYK ilişkisini nasıl tanımlarsınız?
23. BMMYK mülteci korumasında nasıl bir rol oynamaktadır?
24. Koruma yaparken BMMYK çalışanları ile hiç temas kurdunuz mu?
25. Vaka yönetiminin hangi kısmı daha fazla BMMYK müdahalesini içeriyor?
26. BMMYK'nın kayıt sürecini gerçekleştirdiğiniz zaman nasıl bir koruma planı ile ilerliyordunuz? kayıt süreci neden önemliydi?

Bireysel Deneyime Dayalı Sorular

27. Koruma görevlisi olarak, koruma yaparken sizi en çok zorlayan şey nedir?
28. Koruma yaparken dönerler tarafından kısıtlandığınızı hissediyor musunuz?
29. Koruma uygulamalarıyla ilgili sorunları çözmek için ne yapılması gerekir?
30. Türkiye'de korumanın geleceği hakkında ne düşünüyorsunuz? STK açısından

31. Sizce sosyal uyum ve koruma arasında nasıl bir ilişki vardır?

Vaka Yönetimine Dair Sorular

1. Case Management sürecinin tamamlanması ne kadar vakit alabilir ortalama?
2. Bu vakit içerisinde kişiler (koruma sorumluları mı danışanlar mı?) ne yapıyor?
3. Böyle bir süreci yönetirken açıklar nerede oluşuyor? (Şema üzerinde gösterebilir misiniz?)
4. Kâğıt üzerinde böylesine çizildiği gibi işleyen bir sistem mi? Değil ise neden değil?
5. Aktörler: hangi aşamada hangi aktörler devreye giriyor?
6. Bu süreci yönetirken oluşan açıkları kapatmak için neler yapılabilir?
7. Vaka yönetimi ile korumayı nasıl bağdaştırıyorsunuz?
8. Raporlamanın vaka yönetimindeki rolü nedir?
9. Koruma sadece vaka yönetiminden mi ibarettir?

APPENDIX C: TURKISH SUMMARY / TÜRKÇE ÖZET

GİRİŞ

Mültecilerin korunması, bireysel haklara, hukuka uygun saygıya ve insan haklarının amacına yönelik çabaları ifade eder. Bu nedenle kavram, ilgili kişilerin haklarını ve hizmetlere erişimini sağlayan kapsamlı bir yaklaşımı içerir. Bu genel tanımın yanı sıra korumanın somutluğu devletlerin daha somut ulusal hukuklarına bırakılmıştır. Bahsedilen ulusal kanun kapsamında aslında devletin diğer koruma aktörleriyle ne kadar iş birliği yaptığının bir örneği vardır. Koruma kavramı Türkiye’de 2011’den sonraki mülteci krizinden sonra tartışılmaya başlayan bir konu olup, mülteci krizi ile birlikte yükselen sivil toplumun rolünde önemli bir etkiye sahip olmuştur.

Bu tezin amacı mültecilerin korunmasını Türkiye’de mülteci alanında çalışma yapan sivil toplum kuruluşları tarafından nasıl uygulandığını anlamak, bu sivil toplum kuruluşları ve Birleşmiş Milletler Mülteci Yüksek Komiserliği arasındaki koruma ilişkisini anlamak ve korumanın uygulanmasındaki sorunları ortaya çıkartıp bu sorunların giderilmesine dair sosyal politika önerileri sunmaktır.

Tez kapsamında 5 adet araştırma sorusu ele alınmıştır. Bunlardan ilki korumanın BMMYK’ya göre nasıl tanımlandığını araştırmaktadır. İkincisi ise korumanın Türkiye’de STK’lar tarafından uygulanan prosedürlerini incelemektedir. Üçüncü araştırma sorusu ise koruma sorumluları ve koruma şemsiyesi altında çalışan kişilerin görevini anlamaya çalışmaktadır. Dördüncü araştırma sorusu ise korumanın uygulanması sırasında oluşan sorun ve boşlukların sadece belirsiz BMMYK tanımından mı yoksa diğer mekanizmaların eksikliklerinden mi kaynaklandığını anlamaya çalışmaktadır. Son araştırma sorusu ise ideal koruma kavramı ve korumanın uygulanması sırasında ortaya çıkan farklar üzerine odaklanmaktadır. Bu araştırma aynı zamanda devlet kuruluşu olarak Türk hükümeti, hükümetler arası kuruluş olarak BMMYK ve devlet dışı aktörler olarak göçle ilgili sivil toplum kuruluşları arasındaki ilişkiyi ve sürekli iş birliğini değerlendirmektedir. Bu şekilde

koruma odaklı iş birlikleri, ortak projeler ve devlet, sivil toplum ve BMMYK arasındaki ortaklıklar incelenecektir.

Bu araştırma, esas olarak, BMMYK tarafından önerilen koruma tanımı ile Türkiye'deki sivil toplum kuruluşları tarafından yürütülen işleyişi arasında bir farklılık olduğunu iddia etmektedir. UNHCR'nin önerdiği koruma tanımları seti çok geniş ve devlet odaklıdır ve Türkiye'deki uygulamaya uymamaktadır. Bu çalışmada ayrıca, vaka yönetimi planı gibi korumanın uygulanmasına yönelik standartlaştırılmış koruma araçlarının, yasal ve siyasi sınırlamalar nedeniyle Türkiye'deki mülteciler için pratik olmadığı tartışılmaktadır.

Son olarak, Türkiye'de kamu hizmeti sunucuları gibi koruma mekanizmalarının eksikliğinin mültecilere yönelik koruma uygulamasında da sınırlamalara yol açtığı ileri sürülmektedir. Koruma mekanizmalarının bu eksiklikleri, Türkiye genelinde farklı koruma uygulamalarına da yol açmaktadır.

Bu çalışma, koruma kavramı ve uygulanmasını, literatürde çok az önem verilen zorunlu göç perspektifinden tartışmaktadır. Bu çalışmanın koruma literatürüne en önemli katkısı, koruma konusunda ilk kez bir sosyal politika bakış açısının benimsenmesidir. Ayrıca, göç alanında çalışan bir koruma görevlisi olarak, ideal koruma türü ile pratik tanımı arasındaki boşluğu ve önerilen politika önerilerini bulmanın, ben ve meslektaşlarımın bu alanda daha iyi çalışmasına yardımcı olacağına inanıyorum.

BAĞLAM: 2011 YILINDAN SONRA SURIYE'DEN TÜRKİYE'YE MÜLTECİ AKINI VE GÖÇ POLİTİKALARI

Türkiye'nin göç yönetimi ve göçmenlerin korunması kavramı, 2011 Suriye kitlesel mülteci akınına kadar tartışılan bir kavram olmamakla beraber, Türkiye'de sosyal hizmet ve koruma çerçeveleri olarak koruma modelleri, mülteci krizinden önceki dönemde de Türkiye'de zayıftı. Türkiye'de mültecilerin korunması her zaman yasa ve yönetmeliklere dayandırılırken, refah koşullarının iyileştirilmesi ve sosyal devletin ihtiyaç duyduğu hizmetlere erişimin kolaylaştırılması gibi unsurlar STK'lara bırakılmıştır. STK'ların bu hizmetleri devlet otoritesi altında sunabilmesindeki etkisi doğal olarak sınırlıdır. Mülteci Krizi ile birlikte Türkiye'de mevcut koruma zorlukları artmaya başladı. Bu zorluklar beraberinde insani yardım gibi özellikle mülteci

krizinden sonra gelişmeye başlayan kavramları da beraberinde getirmiştir. Krizden sonra, çocuk yaşta evlilikler, cinsel ve toplumsal cinsiyete dayalı şiddet, çocuk işçiliği, temel ihtiyaç ve hizmetlere erişim gibi Türkiye'nin halihazırda yaşamakta olduğu koruma zorlukları arttı. Bu artış, Türkiye'nin hem mültecilerin korunması hem de ekonomik refah alanına katkıda bulunmak için daha kapsamlı adımlar atmasını zorunlu kılmıştır.

Türkiye'nin mülteci ve göçmen politikası 1923 ve 1960 yılları arasında, İskan Kanunu'nda da belirtildiği gibi Türk kimliği ve aidiyet üzerine şekillenmiştir. İskan Hukuku, bugüne kadar uygulanan "kapalı" Türk dış göç politikasında etkili olan ve Birleşmiş Milletler'in savaş sonrası mülteci haklarını düzenleyen 1951 Cenevre Sözleşmesi'nin imzalanması sırasında da dikkate alınan önemli kanunlardan biridir. Türkiye, "Avrupa'da 1951 öncesi olaylar sonucunda zulme uğrayan" mültecileri kabul edeceğine dair zaman ve coğrafi çekince koymuştur. Böylece İskan Kanununun getirdiği kısıtlamalar korunmuştur. Cenevre sözleşmesine konulan çekincelerden zaman çekincesi 1961'deki protokolde kaldırılrsa da coğrafi çekince günümüzde hala korunmaktadır. 1994 İltica Yönetmeliği, 2003 Yabancıların Çalışma İzinleri Hakkında Kanun, 2005 Göç ve Göç Alanında İltica ve Türkiye Ulusal Eylem Planı ve değişime yönelik biçimsel perspektifleri göstermesi açısından önemli olan 2006 "Yeni" İskân Kanunu ve Türkiye'nin çalışma izinleri Türkiye'de Türk kökenli olmayan veya Türk kültüründen gelmeyen göçmenlere karşı alınan ve globalleşmeye ayak uydurmak adına atılan adımlardır.

İçduygu, Türkiye'nin AB uyum sürecinin sığınma, sığınmacılar, mülteciler, göç ve göçmenlere ilişkin politika ve uygulamaları dönüştürdüğünü ve Türkiye'ye görece daha hak temelli bir anlayış oluşturması için rehberlik ettiğini belirtmiştir (İçduygu, s.65). Bu nedenle, Türkiye'nin AB sürecinin, devletin ulusal kimliğine ilişkin geleneksel anlayışını değiştirdiği söylenebilir (İçduygu vd., s.177).

Nisan 2011'den bu yana hem Suriye hem de Türkiye başta olmak üzere komşu ülkeler dünya tarihinin karşılaştığı en yoğun mülteci krizlerinden birinin etkileriyle karşılaşmıştır. 29 Nisan 2011'de ilk grupta Türkiye'ye gelen Suriyelileri milyonlar takip etti. Bu kitlesel göç akışı, Türkiye'nin göç ve iltica politikalarında kademeli bir evrime ve mülteci korumasının ortaya çıkmasına neden olmuştur. Türkiye, iç savaş bittikten sonra Suriyelilerin ülkelerine geri döneceğini varsayarak, kitlesel akışın

geçici olduğunu kabul etmiş ve kalıcı bir koruma politikası sağlamadan politikalarını bu yönde şekillendirmiştir. Nitekim basında ve resmi açıklamalarda Suriyeliler yasal karşılığı olmayan “misafir” olarak tanımlanmış ve bu ifade sıklıkla kullanılmaktadır. Açık kapı politikası ve mülteci akışındaki öngörülemez artış, Suriyeli mültecilere yönelik insani yardım harcamalarının artmasına ve daha kapsamlı bir koruma politikasına ihtiyaç duyulmasına neden olmuştur. Türkiye'ye yönelik sığınmacı akışının artması, insan haklarını saygılı ve bütüncül bir bakış açısıyla ele alan ve 1994 ve 2006 Yönetmeliklerinin eksik yerlerini dolduracak yeni bir kanun hazırlanması gerekliliğini doğurmuştur. Bu nedenle Türkiye, İçişleri Bakanlığı kapsamında 1994 Yönetmeliği'nin 10. maddesi uyarınca Ekim 2011'den itibaren Suriyelileri "geçici koruma rejimine" dahil etmiştir. Geçici koruma, sınırlara yönelik ani kitlesel nüfus hareketlerinde izlenen bir acil durum politikasıdır. Bu politika, belirli bir nüfusa kalıcı veya uzun vadeli bir çözüm bulunana kadar geçici bir çözümdür (Özdemir, 2017, s. 123).

Yani göçmenlik politikası ve mevzuatının belirlenmesi, insan haklarının saygılı ve bütüncül bir bakış açısıyla ele alınması için yeni bir kanun hazırlanması gerekliliği ortaya çıkmıştır. Bu nedenle Avrupa Birliği'ne katılım sürecinin de etkisiyle tek bir mülteci hukuku mevzuatı oluşturma çalışmaları başlatılmış ve 6458 Sayılı Yabancılar ve Uluslararası Koruma Kanunu (YUKK) 2013 yılında Resmi Gazete'de yayımlanmıştır. Kanunla, İç İşleri Bakanlığına bağlı Göç İdaresi Genel Müdürlüğü kurularak göç politikalarının kuramsallaştırılması yönündeki en büyük adım atılmıştır. Göç İdaresi Genel Müdürlüğü teşkilatının merkez, taşra ve yurtdışı şubelerinden oluşması göç politikaları açısından önemli bir adım olup, yabancılara uygulanacak işlem ve işlemlerin tek elden yürütülmesini sağlayacaktır.

2015 sonrası Avrupa'nın ana çabası, mülteci akınını durdurmak ve başta Türkiye olmak üzere en çok mültecinin bulunduğu Akdeniz havzasındaki ülkelerle geniş ve kapsamlı iş birliği anlaşmaları yaparak mali destekle uzlaşmaktır. Bu politikanın en önemli adımı 18 Mart 2016 tarihinde imzalanan “AB-Türkiye Anlaşması” olmuştur. Türkiye'deki Suriyeli mülteciler için mali yardım programı, 16 Mart 2016'da AB-Türkiye Anlaşmasının bir sonucu olarak başladı. Bu mali program, AB bütçesinin yanı sıra “Türkiye'deki Mülteciler için Mali Yardım Programı” (EC, 2016) kapsamında AB'nin 28 üye ülkesi tarafından finanse edildiği için AB tarihindeki en

büyük mali yardım programlarından biridir. Mali yardım programının uygulayıcı ortakları Birleşmiş Milletler Dünya Gıda Programı (WFP), Türk Kızılayı ve Aile Çalışma ve Sosyal Hizmetler Bakanlığı'dır (Yılmaz, 2019, s. 9).

Türkiye'de göç politikalarına ve koruma kavramına dahiliyet sadece hükümetlerle sınırlı kalmamış, sivil toplum kuruluşları ve Birleşmiş Milletler organları da göç yönetimine dahil olmuşlardır. Türkiye'de 60'lı yıllardan beri aktif olan Birleşmiş Milletler Mülteci Yüksek Komiserliği 2018 yılına kadar Türkiye'deki mültecilerin uluslararası koruma başvurusu kaydını almış olup başvuru sahiplerinin üçüncü ülke yerleştirmesini gerçekleştirmiştir. BMMYK ayrıca devlet kurumlarının Türkiye'deki kapasitesini arttırmak, göç konularına istinaden eğitim, seminer ve atölye çalışmaları düzenleme görevi üstlenmiştir. Bunun yanı sıra BMMYK, Türkiye'de bulunan sivil toplum kuruluşları ile operasyonel ve uygulama partnerlikleri gerçekleştirerek koruma ve göç yönetimine dolaylı yoldan dahil olmayı hedefler.

Türkiye'deki sivil toplum kuruluşlarının göç yönetimi ve korumadaki rolüne gelecek olursak, entegrasyon politikalarının eksikliğinden kaynaklanan hak ihlallerinin ve hukuktaki boşlukların doldurulması için sivil toplum kuruluşları tamamlayıcı bir rol üstlenmiştir. Hak ve hizmetlerin sağlanmasına ilişkin bu boşluk, mevcut STK'ların hızlı büyümesi ve finanse edilen ancak hükümetler arası kuruluşlar aracılığıyla yeni STK'ların ortaya çıkması için ortam yaratmıştır. Baskıcı siyasi ortam, ifade özgürlüğünün olmaması ve çok sayıda akademisyen ve sivil toplum aktivistinin görevden alınması nedeniyle STK'ların yaklaşımları hak temelli yaklaşımdan hizmet temelli yaklaşıma kaymıştır (Paker, 2019, s. 11). Ayrıca artan mülteci sayısı hem devlet hizmet sağlayıcıları hem de sivil toplum kuruluşları üzerinde baskı oluşturmaktadır. Göç alanındaki STK'ların temel faaliyetleri krizin ilk başlarında acil durum ve koruma odaklı iken, günümüzde koruma faaliyetleri hala devam etmektedir. Bunun yanı sıra faaliyetler hukuki danışmanlık, psiko-sosyal destek, kamu hizmetlerine erişimde aracılık, bilgi ve yardım sağlama gibi hizmetlerin sunulmasını içerir. Birlikte yaşama faaliyetleri açısından, STK'lar faaliyetlerini mülteciler arasında toplum temelli koruma sağlamaya kaydırmaya daha fazla eğilim göstermiştir. Toplumdaki sorunlara ilişkin bilinçlendirme faaliyetlerinden mülteciler arasında topluluklar oluşturmaya kadar, toplum temelli koruma faaliyetleri STK'ların öncelikli odak alanları haline gelmiştir.

KORUMA KAVRAMI

Her ne kadar uluslararası mülteci rejiminin temelinde koruma yatsa da, terim hala belirsiz bir anlayışa sahiptir. Bu muğlak ve bol tanımların temel nedenlerinden biri, her devletin kendi vatandaşlarını ve yabancıları koruma konusunda farklı bir yasal çerçeveye sahip olmasıdır. Açık bir koruma anlayışı olmadığı için göç olayları süre geldikçe korumanın varyasyonları ve alt tanımları ortaya çıkmıştır. Günümüzde koruma İlgili hukuk organlarının (yani İnsan Hakları hukuku, Uluslararası İnsancıl Hukuk, Mülteci hukuku) lafzına ve ruhuna uygun olarak bireyin haklarına tam saygı gösterilmesini amaçlayan tüm faaliyetler olarak tanımlanmaktadır. Korumanın bu nihai tanımı, uluslararası mülteci rejiminin kuruluşundan bu yana uzun bir yol kat etmesine rağmen birçok yönden belirsizdir. Uluslararası mülteci rejiminin temelinde koruma yatsa da, terim hala belirsiz bir anlayışa sahiptir. Bu muğlak ve bol tanımların temel nedenlerinden biri, her devletin kendi vatandaşlarını ve yabancıları koruma konusunda farklı bir yasal çerçeveye sahip olmasıdır.

Goodwin, koruma tanımının belirsiz ve bulanık olmasının sebebinin mülteci tanımının karakterize edilmesinden kaynaklandığını, çünkü uluslararası hukukun kendi uygulamalarını menşe ülkesi kendilerini koruyamayan kişilerin yerine koymasından kaynaklandığını belirtmektedir. Bu nedenle “korunmanın olmaması”nın mülteci olmanın temel özelliği olarak vurgulamıştır (Goodwin-Gill, 1989, s. 6).

Dalal Stevens, “koruma” teriminin daha net bir tanımı olması gerektiğini vurgulamıştır. Bu karmaşıklık ve çeşitlilik nedeniyle Stevens, korumayı anlamının en iyi yolunun, korumanın üzerine kurulduğu yasal ilerlemeyi incelemek olduğunu iddia etmiştir (Stevens, 2013, s. 235). Stevens, Mülteci Sözleşmesi'nin mülteci koruması hakkında kesin bir tanım sağlamadığı gerçeğine katılıyor. Bununla birlikte, Mülteci Sözleşmesi'nin korumanın ana bileşenlerinin bir önsöz örneği olduğunu da belirtmektedir (Stevens, 2013, s. 236). Ramcharan ise, Mülteci Sözleşmesi'nin onu tanımlamaktan ziyade korumayı gerçekleştirecek bir çerçeve oluşturmaya çalıştığını vurgular (Ramcharan, 1989, s. 2).

Aktörlerin çeşitliliği ve farklı devlet yasaları ve uygulamaları nedeniyle ev sahibi ülkelere sığınma başvurusunda bulunan mülteciler farklı koruma uygulamalarıyla

karşılaşmaktadır. Hathaway, vatandaşların yaşamını güvence altına almak veya temel hak ve ihtiyaçları sağlamak için asgari standartları düzenleyen kapsamlı ve ortak bir düzenlemenin olmadığını da belirtiyor. Dolayısıyla, evrensel bir düzenlemenin bu bolluğu, koruma hakkında bu kadar net tanımlamalar yapılmasını engellemektedir (Hathaway, 1991, s. 105).

Bu noktaya kadarki koruma tartışması genellikle hukuka dayalıdır ve devlet aktörleri ile uluslararası hukuka daha fazla vurgu yapmakla birlikte korumanın insani yönünü göz ardı eder. Uluslararası insani yardım kuruluşlarının el kitapları ve raporları, korumanın tanımı ve türleri ile birlikte terimin belirsizliği konusunu da tartışmıştır. A. Bonwick İnsani Yardım Kuruluşları için ANLAP'ında korumanın insanlık ve insani eylem ilkesine dayandığını belirtmiştir. Korumanın sadece fiziksel yardımdan fazlasını kapsadığını belirtir; aynı zamanda kişinin güvenliği, onuru ve insan bütünlüğü dahil olmak üzere insanların tam olarak korunmasını da içerir (Bonwick, 2005, s. 30). Bonwick, korumayı, uluslararası hukuka ve bağlayıcı anlaşmalara saygı temelinde, devletlerin insanları koruma konusundaki yasal yükümlülüklerine dayanan hak temelli bir yaklaşım olarak da vurgulamaktadır (Bonwick, 2005, s.33). Slim ve Bonwick, korumanın güçlendirici yönünü vurgular ve korumanın yalnızca devletin, uluslararası ve insani kuruluşların görevi olmadığını, aynı zamanda korunmaya ihtiyacı olan ve kendileri için koruma talep eden ve organize eden kişilerin de görevi olduğunu belirtir. Bu nedenle korumanın, insanlar için temel bir hizmet sunumu değil, aynı zamanda kendilerini koruyabilene kadar onları desteklemek olarak açıklarlar (Bonwick, 2005, s. 32). Bu bakış açısı, günümüzde korumada uygulanması hedeflenen toplum temelli bakış açısının da temelini oluşturmaktadır.

Korumanın tanımı sadece akademik literatürde değil, insani yardım kuruluşlarının belirlediği yaklaşımlarda da yer almaktadır. 1996 yılında, STK'lar ve INGO'lar dahil 50 kurum, Uluslararası Kızılhaç Komitesi ICRC tarafından yönetilen bir koruma çalıştayı oluşturdu ve çalışma grupları tartışmaları ve çalıştayları düzenli olarak devam etti. Bu çalıştaylardan çıkan yaklaşımlara göre, koruma, duyarlı, iyileştirici ve çevresel yapı olmak üzere üç eyleme ayrılmıştır. Bu eylemler “Koruma yumurtası” adı verilen bir figür oluşturdu.

Bir diğerk yaklaşım ise korumanın ana akımlaştırılmasıdır. Korumanın ana akımlaştırılması (Protection Mainstreaming), insani yardımın temel minimum teknik standartlarına ulaşmak amacıyla Global Protection Cluster tarafından geliştirilmiştir. Korumanın yaygınlaştırılması veya diğerk bir ifadeyle “güvenli programlama”, ilgili kişilerin güvenlik, onur, güvenli çevre ve haklara anlamlı erişimini sağlamak için koruma ilkelerini birleştiren insani yardım aktörleri için zorunlu bir prosedürdür. Tüm insani aktörler için korumanın yaygınlaştırılması sağlanarak, hesap verebilirlik için ortak bir zemin sağlanır.

Koruma ile ilgili besimsenen bir diğerk yaklaşım ise toplum temelli korumadır. BMMYK'ya göre toplum temelli koruma, topluluğun ihtiyaçlarını ve endişelerini dinlemeye, kültürlerine ve uygulamalarına saygı duymaya, topluluk içindeki endişelerini anlamaya, kendi tepkilerini oluşturabilmeleri için hem topluluk içinde hem de bireysel olarak kapasitelerini artırmaya dayanan bir stratejiyi ifade eder. Risklere. Toplum temelli koruma, katılım ve danışma niyetiyle, ilgi duyulan kişileri merkeze alır (UNHCR, 2015, s. 1-2).

Devlet ve koruma sağlayan diğerk aktörlerin yanı sıra koruma yetkinliğine sahip olan BMMYK'nın ilk görevi, İkinci Dünya Savaşı'ndan sonra Avrupalı mültecilerin ve geri dönenlerin güvenliğini sağlamak olmasına rağmen, operasyonları ve yetkileri zaman içinde değişmiştir. BMMYK'nın Tüzüğünden politika belgelerine kullandığı koruma anlayışının değişimi açıktır. Stevens, BMMYK'nın diplomatik bir koruma türünden, ilgili kişilerin haklarını garanti altına almaya ve hafifletmeye, sığınma ülkesindeki refahlarını sağlamaya ve yerel, ulusal ve küresel koruma aktörleriyle işbirliği yapmaya doğru geliştiğini belirtiyor.

BMMYK El Kitabında, acil durumlarda, BMMYK ve diğerk koruma yetkilerinin, güvenliğe erişim için alınması gereken çeşitli eylem ve ilkeleri garanti etmesi gerektiği belirtilmektedir. Bunlar sığınmacıların kabulü, geri göndermeme ilkesi, ilgili kişilerin yetkililere kaydı ve bazı durumlarda mülteci statüsünün belirlenmesidir. BMMYK görevinin amaçlarından biri ilgili kişiler için kalıcı çözümler sunmak olduğundan, BMMYK üç geleneksel kalıcı çözüm önermektedir. Bunlar; yeniden yerleşim, gönüllü geri dönüş ve yerel entegrasyondur.

BMMYK aynı zamanda partnerlerinin yararlanması için özel ihtiyaç kodları ve vaka yönetiminden yararlanmaktadır. Özel ihtiyaç kodları (SNC), ilgili kişilerin koruma ihtiyaçlarını belirlemek için bir gruplama yöntemidir. BMMYK, Özel İhtiyaç Kodlarını şu şekilde tanımlamıştır: “Koruma sağlama işlevlerinin bir parçası olarak, BMMYK, kendisini ilgilendiren kişilerin özel ihtiyaçlarını belirlemeye ve ele almaya kararlıdır. Özel İhtiyaç Kodları, bu görevi yerine getirmek için UNHCR'nin birincil standartlaştırılmış aracıdır. aka yönetimi, ilgili kişilerin koruma ihtiyaçları hakkında gerekli bilgileri toplayarak hizmet sunan bir yöntemdir. Vaka yönetimi aracı BMMYK'ya özgü olmasa da, tanımlama adımından vakanın kapatılmasına kadar koruma sağlanmasını ve müdahaleleri desteklediği için BMMYK ortakları da vaka yönetiminden yararlanmaktadır.

METODOLOJİ

Bu araştırma, Türkiye'deki mültecilerin korunmasını iki ana metodolojik yönetime dayalı olarak incelemeyi amaçlamaktadır: (a) mültecilerin korunmasına ilişkin teorik/kavramsal tartışma ve mültecilerin korunmasında kullanılan ve ilgili belgelerde tanımlanan vaka yönetimi şemasını içeren araçlar ve (b) vaka yönetimi aracıyla koruma uygulayan farklı STK'lar ve INGO'lar için çalışan uzmanlarla yapılan bir dizi yarı yapılandırılmış görüşmeye dayanan ampirik bir araştırma. İkinci metodolojik yönelim, ideal olarak tanımlanan korumanın gerçekte kimin uygulandığını/uygulandığını anlamak için birincisinin tersine mühendislik yapmak üzere tasarlanmıştır.

İnsani alanda koruma görevlisi olarak çalıştığım için bu araştırmanın da kendini yansıtıcı özelliklere sahip olduğunu belirtmek gerekir. Sığınmacılar ve Göçmenlerle Dayanışma Derneği'nde (ASAM) önce stajyer, daha sonra koruma görevlisi olarak çalışmak, göç alanında içgörü sahibi olmamı sağladı ve koruma alanındaki deneyimimi teorileştirme fırsatı verdi. Bu sayede SGDD'de çalışmak, koruma görevlilerine verimli bir şekilde ulaşım görüşmeler yapmamı sağladı. Katılımcılara korumanın tanımını, süreç analizini ve koruma sürecinde hangi kısımda tıkanıklık olduğunu anlamaya yönelik yarı yapılandırılmış ve açık uçlu 40 soru sorulup görüşmeler çevrimiçi ortamda gerçekleştirilmiştir. İki uluslararası sivil toplum kuruluşu (INGO) ve altı sivil toplum kuruluşu (STK) dahil olmak üzere mülteci koruma sektöründe faaliyet gösteren sekiz devlet dışı aktörden 22 koruma ekibi üyesi

ile görüşmeler yapılmıştır. Bu görüşmedeki hedef grup, mülteci korumasında çalışan koruma personelinin yanı sıra koruma personelinin bir parçası olarak çalışan katılımcılardır.

VAKA ANALİZİ

Bu bölümde Ankara ilinde Sivil Toplum Kuruluşları ve Hükümetlerarası Kuruluşlarda görev yapan 22 koruma personeli ile bir saha çalışması sunulacaktır. Elde edilen veriler incelenip değerlendirilecek ve verilerde keşfedilen örüntüler ve eğilimler tezin bu bölümünde gösterilecektir. İkinci bölümde tartışıldığı gibi, korumanın belirsiz ve geniş tanımları vardır. Bu nedenle, bu bölümde korumanın tanımı, nasıl uygulandığı ve korumanın uygulanmasına ilişkin boşluklar ve sorunlar, eski ve mevcut koruma personeli temelinde tartışılacak ve görüşülen kişilerin deneyimlerine dayalı olarak sunulacaktır.

Bölüm iki ana temaya ayrılmıştır: Birinci tema, korumanın uygulanmasında koruma personelinin deneyimlerine dayanmaktadır. Birinci temada koruma tanımları ve araçlar aracılığıyla nasıl uygulandığı, 22 katılımcı tarafından alandaki koruma deneyimlerine dayalı olarak tanımlanmıştır. Başvuranların yanıtlarından alt başlıklar olarak üç baskın kalıp ortaya çıkmıştır: uygulamada korumanın tanımı, korumada STK'ların ve koruma personelinin rolü ve korumanın yapısı olarak ele alınmıştır.

Birinci alt başlık, koruma personelinin deneyimlerine dayalı olarak uygulamada korumanın tanımıdır. Bu alt başlıkta görüşülen kişilerin yanıtları koruma tanımını, haklara erişim için bilgi verme ve yönlendirme, acil müdahale, başvuru sahibiyle birlikte yürüme, güçlendirme ve bilinçlendirme ve politika oluşturma olarak 5 alt grupta toplamıştır.

İkinci alt başlık, görüşülen kişilerin deneyimlerine göre korumanın uygulanmasında STK'ların ve Koruma Personelinin rolüdür. Bu alt başlık, Korumada STK'larda Çalışan Koruma Personelinin Rolü ve Ortak Kayıt Sürecinde Korumada STK'ların Rolü olmak üzere iki alt gruba ayrılmıştır. İkinci alt grup, uluslararası koruma başvuru sahiplerinin 2015-2018 yılları arasında BMMYK ve BMMYK-ASAM-DGMM ortak kayıt prosedürüne kaydı sırasında STK'ların ve BMMYK'nın benzersiz özelliklerinden dolayı özel bir öneme sahiptir.

Üçüncü alt başlık, uygulama sürecinde korumanın araçlarını ve aktörlerini analiz eden STK'lardaki korumanın yapısıdır. Bu bölümde katılımcılara gösterilen bir vaka yönetimi şemasına göre sorular sorulmuş ve bunun sonucunda vaka yönetimi şemasına göre 4 alt grup tanımlanmıştır. Birinci alt grup, yararlanıcıların özel ihtiyaçlarını ve ihtiyaçlarının ve risklerinin nasıl belirleneceğini açıklar. İkinci alt grup, vaka yönetimi aracı ve vaka yönetiminin adımları hakkında daha derin bir anlayış sağlar. Bu alt grup aynı zamanda koruma personelinin deneyimlerine uygun olarak koruma ve vaka yönetimi arasındaki ilişkiyi de açıklar. Üçüncü alt grup, korumanın aktörlerini STK'lar, Devlet Kurumları, INGO'lar ve BMMYK'nın rolü olarak ortaya koymaktadır. UNHCR, koruma, mülteci statüsü belirleme, yeniden yerleştirme ve Türkiye'deki ortaklıklarındaki geniş rolü dikkate alınarak kendi alt grubuna sahiptir. Son alt başlık, görüşülen kişilerin tamamı hem üst düzey koruma personelinin denetim aldığı hem de saha ofislerine denetim sağladığı için, denetimdeki koruma personelinin deneyimleri üzerinedir.

İkinci ana tema, korumanın uygulanmasındaki sorunlar ve boşluklarla ilgilidir. İkinci temada ise katılımcılar korumanın uygulanması sırasında karşılaştıkları sorunları yanıtlamışlardır. Başvuranların cevaplarından alt başlıklar halinde 6 ana kalıp ortaya çıkmıştır. Kalıplardan 5 tanesi aktör bazlı alt başlıklar altında gruplandırılmıştır. Sorunlar, aktörlerin doğrudan veya dolaylı olarak koruma alan aktörler ve koruma sağlayan aktörler olarak bakış açısına göre değerlendirilmiştir. Aktörler başvuru sahibi/faydalanıcı, devlet kurumları, STK'lar, INGO'lar/Bağışçılar ve ev sahibi topluluk olarak belirlenmiştir. Pandemi sonucu yeni koruma ihtiyaçları ve boşlukların ortaya çıktığı belirlenmiş ve dolayısıyla pandemi de korumanın uygulanmasında ortaya çıkan sorunların etmenlerinden birisi olarak ele alınmıştır.

Koruma personeli ile yapılan görüşmelerden yola çıkılarak altı alt başlık incelenmiştir: Birinci başlık başvuru sahibi/faydalanıcı ile ilgili sorunlar, ikinci başlık kamu kurumlarından kaynaklanan sorunlar, üçüncü başlık STK'larla ilgili sorunlar, dördüncü başlık STK'lar ve bağışçı ile ilgili sorunlar ve beşinci başlık, toplumlar arası ilişkilere dayalı sorunlardır. Küresel Pandemi kaynaklı sorunlar, aktörlere dayalı sorunlardan ayrı olarak analiz edilen korumanın uygulanmasında başka bir boşluk biçimi oluşturdu.

İki ana tema, deneyimler ve koruma boşlukları hakkında geniş bir model göstermektedir. Genel olarak, bu modeller korumanın daha iyi uygulanması için sürdürülebilir bir politika oluşturma yolu çizebilir.

SONUÇ ve ÖNERİLER

Çalışmanın sonucunda korumanın uygulanmasına yönelik deneyimlere dayanılarak belirli bulgular ve bu bulgular ile katılımcıların beklentilerine istinaden belirli sosyal politika önerilerinde bulunulmuştur.

Bulgulara göre BMMYK'nın güvenli bir ortam yaratmak, insan onurunu ve güvenli geri dönüşü sağlamak, rehabilitasyon ve yeniden başlatma gibi temel koruma unsurları STK'lar tarafından tam olarak uygulanmamaktadır. Koruma personeline göre koruma, yalnızca haklara ve hizmetlere erişim için bir araç olarak değil, aynı zamanda koruma ihtiyaçlarıyla kendi başlarına başa çıkabilmeleri için yararlanıcıların teşvik edilmesi ve bilinçlendirilmesi için bir mekanizma olarak da tanımlanır.

UNHCR'lerin amaçlarından biri, başvuranlara kalıcı çözümler sunmaktır. Ancak gerçekte Türkiye'deki mülteciler için ne yerel entegrasyon mekanizması ne de yeniden yerleştirme geçerli değildir. Bunun yanı sıra, korumanın uygulanmasında hak temelli yaklaşım tam olarak benimsenmemiştir. BMMYK hak temelli bir yaklaşım benimsemesine rağmen, görüşmeler uygulamada ihtiyaç temelli korumanın sağlandığını göstermiştir.

GİGM tarafından yürütülen kayıt, mültecilerin korunma ihtiyaçlarını karşılayacak kadar kapsamlı değildir. Kayıt ve ihtiyaç değerlendirmeleri bağımsız bir kurum tarafından yapıldığında, mültecilerin koruma ihtiyaçlarının karşılanması daha çok yararlanıcıların yararına olmuştur.

Korumanın uygulanmasındaki sorunlar ve boşluklar, yalnızca BMMYK'nın koruma tanımı ile STK'lar tarafından uygulanması arasındaki farktan kaynaklanmamaktadır. Yararlanıcılar, kamu kurumları, STK'lar, INGO'lar, BM organları, bağışçılar gibi korumanın uygulanmasındaki ana aktörlerin eşlik ettiği boşluklar ve sorunlar, koruma pratiğindeki sorunları da yansıtmaktadır. Örneğin Devlet öncülüğündeki hizmet sağlayıcıların STK'larla işbirliği yapmaması ve bölgeye, şehre ve hatta kamu

görevlisine göre değişen uygulamalar, korumanın önündeki en büyük engellerden biridir. Yazılı kanunun uygulanmasında farklı uygulamalarla karşılaşıldığından, yeni düzenlemeler mültecilerin korunma yolunu engellemektedir. Ayrıca merkezi otoriteden göç alanına atanan kamu çalışanlarının antipatisi, kamu otoritelerinin koruma mekanizmalarını işlevsel olarak çalıştırmasını engellemektedir. Buna ek olarak BMMYK ve diğer bağışçı kuruluşların Türkiye'deki korumaya katılımı doğrudan değildir; ancak, finansmanları ve STK'lara önerdikleri projelerin kapsamı açısından, koruma etrafında sınırlar çiziyorlar. INGO'lara ve bağışçı kuruluşlara yönelik en büyük eleştirilerden biri, mültecilerle doğrudan temasın çok az olması veya hiç olmaması nedeniyle alanı içselleştirememeleri ve STK'lar aracılığıyla sahada neler olup bittiğini, eğilimleri ve zorlukları gözlemlemeleridir. Ayrıca, INGO'lar ve bağış kuruluşları da savunuculuk faaliyetlerinin yokluğu konusunda aynı yaklaşımı paylaşmaktadır.

Ev sahibi topluluk ile mülteciler arasındaki gerilim, her iki taraf için de daha fazla tehdit oluşturmakta ve yararlanıcıların belirli koruma hizmetlerine ulaşmasını engellemektedir. Ayrıca, mülteciler LGBTİ+ topluluğu gibi Türkiye'de halihazırda eşitsizliğe maruz kalan belirli topluluklara ait olduğunda, yararlanıcıları sürekli korunmaya muhtaç bırakır. Ayrıca, hayati ihtiyaçlarını karşılamaya çalışan mülteciler için sosyal uyum faaliyetleri arka planda kaldığından iki toplum arasındaki sorunlar devam etmektedir.

Küresel Pandemi ve karantina, korumada büyük bir eksikliğe yol açtı. STK'ların sunduğu hizmetlerden yararlanan mülteciler bunların hiçbirine ulaşamamakta ve kamu kurumlarına hizmet erişiminde Türk vatandaşlarının önceliklendirilmesi mültecilerin hak ve hizmetlere erişimini engellemektedir. Bu dönemde evden çalışmaya geçen STK'ların korunmaya ihtiyacı olan kişilere yanıt vermeleri kısıtlandı. Ayrıca sokağa çıkma yasağı nedeniyle cinsel ve toplumsal cinsiyete dayalı ihlallere maruz kalan mültecilerin sayısı arttı. Mülteciler arasındaki işsizlik ve yoksulluk oranı da işten çıkarmalar nedeniyle arttı. Kayıt dışı sektörlerde çalışan mülteciler bu dönemde iş bulamamışlardır.

Bu çalışmanın bulgularına dayalı olarak, çeşitli politika önerileri hazırlanmıştır. Bu önerilerin sunulması için katılımcıların görüşleri alınmıştır. Devlet kurumları ve kamu hizmeti sağlayıcılarına yönelik tavsiyeler, STK'lar ile işbirliğine ve kapasite

geliştirmeye dayanmaktadır. Vaka planlarında hizmetlerin biraz daha iyi koşullara ulaşması ve daha sorunsuz çalışması için devletin STK'larla ilişkilerini güçlendiren politika geliştirme ve projelerin sayısının artırılması gerekmektedir. Ayrıca kamu görevlilerinin bilinçlendirilmesi için göç ve mülteci odaklı eğitimleri içeren kapasite geliştirme faaliyetleri gerçekleştirilmelidir. STK'lar, STK'lar ve devlet kurumları arasında il ve ulusal koordinasyon gruplarının oluşturulması işbirliği ve bilgi akışı açısından faydalı olacaktır.

Kişilere tam mülteci statüsü verilmemesi, korumanın uygulanmasının ve kalıcı bir çözüme giden yolun önündeki engellerden biridir. Coğrafi kısıtlamanın kaldırılması çok gerçekçi bir öneri olmayabilir. Ancak mülteci gruplarını bağımlı gruplar olarak görmek yerine, onları toplumun aktif birer üyesi yapacak düzenlemeler yapılabilir.

STK'lara yönelik önerilerle ilgili olarak daha şeffaf ve liyakate dayalı insan kaynakları politikasına ihtiyaç vardır. Sahada koruma faaliyetlerinin iyileştirilmesi için sahada deneyim ve yetkinliğe sahip kişilerin istihdamı sağlanmalıdır. Kurum çalışanlarına periyodik olarak memnuniyet anketleri yapılmalı ve sonuçlara göre yapıcı önlemler alınmalıdır. Ayrıca personel yanıklarının giderilmesi için koruma alanında çalışan kişilere güçlendirme çalışmaları yapılmalıdır. Son olarak, STK'ların ve INGO'ların tüm yararlanıcıların biyoveri bilgilerini görebileceği ortak bir sistem oluşturmak, eylemlerin tekrarlanmasını ve dosya takibini kolaylaştırabilir.

Standartlaştırılmış vaka yönetimi şeması, vaka yönetimi sürecinde pratik değildir. Adımlardan bazıları eş zamanlı olarak işlenir ve genellikle yeni değerlendirmeler için yeni koruma ihtiyaçları ortaya çıkar. Ayrıca, birçok katılımcı, kalıcı çözümlerin olmaması nedeniyle mülteci temelli vaka yönetimi sorunlarında vaka kapatma olmadığını deneyimlemiştir. Bu nedenle koruma personeli için daha faydalı olacağı düşünüldükçe daha pratik ve göçmen merkezli bir vaka yönetimi planı hazırlanmıştır.

Sonuç olarak, bu araştırma ideal koruma türü, yaklaşımları ve araçları ile uygulama sürecindeki koruma arasındaki boşlukları ortaya çıkarmıştır. UNHCR'nin tanımını daha çok uluslararası mülteci hukuku ve kalıcı çözümlere dayalıyken, korumanın uygulanması yararlanıcılarla işbirliğine ve güçlendirmeye dayanmaktadır. Bu durumda koruma görevlilerinin rolü, mültecileri bilinçlendirmek ve hizmetler ile yararlanıcı arasında arabuluculuk yapmaktır. Ayrıca, koruma görevlilerinin

kullandığı standart vaka yönetimi şeması, mülteci sayısının yüksek olması ve giderek artan özel ihtiyaçları nedeniyle Türkiye'deki mülteciler bağlamında uygulanamamaktadır.

Diğer bir sonuç ise, faydalanıcılar, devlet kurumları, STK'lar, INGO'lar, BM kuruluşları ve fon sağlayıcılar gibi koruma sürecindeki kilit aktörlerin hepsinin koruma sürecindeki zorlukları temsil eden boşluklara ve sorunlara sahip olmasıdır. Devlet kurumlarının göç ve mülteci konularındaki algısı korumayı zayıflatmaktadır. Yasaların uygulanmasındaki farklılıklar, bölgeden bölgeye ve hatta kişiden kişiye değişen uygulamalar, mültecilerin korunmasının önündeki en büyük engellerden biridir. Kamu hizmeti sağlayıcıları ve STK'lar arasında bir çatışmanın varlığının sürmesi pek olası olmasa da, mültecilerin koruma ihtiyaçlarına yanıt verebilmek için bu aktörler arasındaki işbirliği güçlendirilmelidir.

Son olarak, bu çalışma, korumanın uygulama düzeyinde kavramsallaştırılmasını anlamak için tüm koruma aktörlerine katkıda bulunabileceği için büyük bir öneme sahiptir. Koruma aktörlerinin bulgularına dayalı olarak önerilen sosyal politika önerilerinin değerlendirilmesi ve dikkate alınması korumanın geliştirilmesi için büyük önem taşımaktadır.

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